



**COUNCIL
MEETING AGENDA**

TUESDAY, AUGUST 25, 2015

7 P.M.

**COUNCIL CHAMBERS
AURORA TOWN HALL**



**TOWN OF AURORA
COUNCIL MEETING
AGENDA**

Tuesday, August 25, 2015
7 p.m.
Council Chambers

1. DECLARATION OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

2. APPROVAL OF THE AGENDA

RECOMMENDED:

THAT the agenda as circulated by Legal and Legislative Services be approved.

3. ADOPTION OF THE MINUTES

Council Meeting Minutes of August 11, 2015

pg. 1

Council Closed Session Meeting Minutes of August 11, 2015
(Confidential Attachment)

RECOMMENDED:

THAT the Council meeting minutes of August 11, 2015, and the Council Closed Session meeting minutes of August 11, 2015, be adopted as printed and circulated.

4. PRESENTATIONS

5. PUBLIC SERVICE ANNOUNCEMENTS

6. DETERMINATION OF ITEMS REQUIRING SEPARATE DISCUSSION

7. ADOPTION OF ITEMS NOT REQUIRING SEPARATE DISCUSSION

8. DELEGATIONS

9. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION

10. NOTICES OF MOTION/MOTIONS FOR WHICH NOTICE HAS BEEN GIVEN

(i) Notices of Motion

(ii) Motions for Which Notice Has Been Given

(a) Mayor Dawe pg. 82
**Re: Special Council Meeting to Review Procedural By-law
Number 5330-11**

(b) Councillor Humfryes pg. 83
Re: Town of Aurora Financial Health Status

11. REGIONAL REPORT

(Deferred from Council meeting of August 11, 2015)
York Regional Council Highlights – June 25, 2015 pg. 84

RECOMMENDED:

THAT the Regional Report of June 25, 2015, be received for information.

12. NEW BUSINESS/GENERAL INFORMATION

13. READING OF BY-LAWS

RECOMMENDED:

THAT the following confirming by-law be given first, second, and third readings
and enacted:

5758-15 BEING A BY-LAW to Confirm Actions by Council pg. 94
Resulting from Council Meeting on August 25, 2015.

14. CLOSED SESSION

15. ADJOURNMENT

AGENDA ITEMS

(Deferred from Council meeting of August 11, 2015 – Item 4)

1. **Economic Development Advisory Committee Meeting Minutes of June 11, 2015** pg. 25

RECOMMENDED:

THAT the Economic Development Advisory Committee meeting minutes of June 11, 2015, be received for information.

(Deferred from Council meeting of August 11, 2015 – Item 5)

2. **Aurora Family Leisure Complex Liaison Committee Meeting Minutes of June 23, 2015** pg. 30

RECOMMENDED:

THAT the Aurora Family Leisure Complex Liaison Committee meeting minutes of June 23, 2015, be received for information.

(Deferred from Council meeting of August 11, 2015 – Item 6)

3. **LLS15-047 – Effectiveness of Liquidated Damages Clauses** pg. 32

RECOMMENDED:

THAT Report No. LLS15-047 be received for information.

(Deferred from Council meeting of August 11, 2015 – Item 8)

4. **IES15-045 – Council Motion – Pedestrian and Vehicle Traffic Concerns in the Northeast Corner of Earl Stewart Drive and Pedersen Drive Intersection** pg. 42

RECOMMENDED:

THAT Report No. IES15-045 be received for information.

(Deferred from Council meeting of August 11, 2015 – Item 13)

5. **PL15-059 – Update on Development Progress in 2C Planning Area** pg. 48

RECOMMENDED:

THAT Report No. PL15-059 be received; and

THAT in response to the pace of development in the 2C Secondary Plan Area, the Regional Municipality of York be requested to advance the timing of the interchange at Highway 404 and St. John's Sideroad, to be included within the Region's 10-year Roads Construction Program.

- 6. Memorandum from Director of Planning & Development Services** pg. 55
**Re: Additional Information to Report No. PL15-059 – Update on
Development Progress in 2C Planning Area (Item 5)**

RECOMMENDED:

THAT the memorandum regarding Additional Information to Report No. PL15-059 – Update on Development Progress in 2C Planning Area be received for information.

(Deferred from Council meeting of August 11, 2015 – Item 15)

- 7. PR15-023 – Renaming a Section of Nokiidaa Trail** pg. 57

RECOMMENDED:

THAT Report No. PR15-023 be received; and

THAT the renaming of a section of the Nokiidaa Trail referred to in Report No. PR15-023 as the "Tim Jones Trail" be approved.

- 8. CAO15-010 – Vacancy Control Program** pg. 62

RECOMMENDED:

THAT Report No. CAO15-010 be received; and

THAT Staff Recruitment & Selection Policy 38 be amended to include a vacancy control policy as set out in Attachment 1 to this report.

- 9. PL15-068 – Request for Street Name Approval, Eyelet Investment Corp, 1114 Wellington Street East, File: SUB-2014-03** pg. 66

RECOMMENDED:

THAT Report No. PL15-068 be received; and

THAT the following street names be approved for the proposed road within the approved Draft Plan of Subdivision, File SUB-2014-03:

STREET "A" HAMSTER CRESCENT
STREET "B" MIKE BOSHEVSKI COURT

10. Heritage Advisory Committee Meeting Minutes of August 17, 2015 pg. 71

RECOMMENDED:

THAT the Heritage Advisory Committee meeting minutes of August 17, 2015, be received; and

THAT the following recommendations regarding Item 1 – Report No. HAC15-008 – Request to Remove a Property from the Aurora Register of Properties of Cultural Heritage Value or Interest, 103 Hillview Road, be approved:

THAT the property located at 103 Hillview Road be removed from the Aurora Register of Properties of Cultural Heritage Value or Interest; and

THAT the proposed elevations are subject to approval of Planning Staff; and

THAT, if the building is to be demolished, a photographic record, measured drawings and/or salvage of significant architectural elements, be retained; and

THAT the following recommendation regarding Item 2 – HAC15-007 – 32 Wellington Street East, Final Disposition of the "David W. Doan House" Designated under Part IV of the *Ontario Heritage Act*, be approved:

THAT a third-party peer review, to be conducted by a firm with experience in the preservation of heritage buildings, be sought by the Town and paid for by the applicant, with the added objective of determining how to save the front façade of the David W. Doan House, as was originally intended and agreed upon.

11. Memorandum from Councillor Mrakas pg. 77
Re: Reconsideration of Council's August 11, 2015 Decision Pertaining to Motion for Which Notice Has Been Given (a) 2016 Hiring Freeze

RECOMMENDED:

THAT the memorandum regarding Reconsideration of Council's August 11, 2015 Decision Pertaining to Motion for Which Notice Has Been Given (a) 2016 Hiring Freeze be received; and

THAT in accordance with section 8.14 of Procedural By-law Number 5330-11, as amended, Council reconsider its decision of August 11, 2015, in respect to "Motions for Which Notice Has Been Given" (a) where the following clause was determined in the negative as a result of a tie vote due to the absence of a Member of Council:

"NOW THEREFORE BE IT HEREBY RESOLVED THAT The Town of Aurora implement a one-year hiring freeze on all new positions for the 2016 fiscal year."

12. CFS15-036 – Canada 150 Community Infrastructure Program Grant Approvals pg. 78

RECOMMENDED:

THAT Report No. CFS15-036 be received; and

THAT Council approve the Improvement of Aurora Community Centre project 72175 (\$425,000), Improvement to Stronach Aurora Recreation Complex project 72221(\$425,000), Rehabilitation of the Armoury project 72241 (\$275,000) and Improvements to Fleury Park Washroom Facility project 73242 (\$150,000) in advance of the regular 2016 capital budget approval to take advantage of a Canada 150 Community Infrastructure Program total grant of \$422,100; and

THAT Council authorize the Town of Aurora to enter into a contribution agreement to receive a total of \$422,100 in funding through the Canada 150 Community Infrastructure Program being administered by the Federal Economic Development Agency for Southern Ontario in support of the following list of capital projects:

- Improvement of Aurora Community Centre: \$140,300
- Improvement to Stronach Aurora Recreation Complex: 140,300
- Rehabilitation of the Armoury: 91,500
- Improvement to Fleury Park Washroom Facility: 50,000

THAT the Town share of the project budgets be funded as follows:

- Project 72175: Transfer of \$284,700 from Facilities R&R reserve
- Project 72221: Transfer of \$284,700 from Facilities R&R reserve
- Project 72241: Transfer of \$183,500 from Facilities R&R reserve
- Project 72222: Transfer of \$100,000 from Parks R&R reserve

THAT the Mayor and Clerk be authorized to execute standardized grant agreements, including any and all documents and ancillary agreements required to give effect to same, subject to the satisfaction of the Town Solicitor, for the four projects; and

THAT the Treasurer be authorized to execute on behalf of the Town any progress reports or other such submissions required as per the contribution agreement.



**TOWN OF AURORA
COUNCIL MEETING MINUTES**

Council Chambers
Aurora Town Hall
Tuesday, August 11, 2015

ATTENDANCE

COUNCIL MEMBERS	Mayor Dawe in the Chair; Councillors Gaertner, Humfryes, Kim, Mrakas, Pirri, Thom, and Thompson
MEMBERS ABSENT	Councillor Abel
OTHER ATTENDEES	Interim Chief Administrative Officer, Acting Director of Building and By-law Services, Director of Corporate and Financial Services/Treasurer, Director of Infrastructure and Environmental Services, Director of Legal and Legislative Services/Town Solicitor, Director of Parks and Recreation Services, Director of Planning and Development Services, Manager of Special Projects, Town Clerk, and Council/Committee Secretary

Mayor Dawe called the meeting to order at 7:09 p.m. following Open Forum.

On a motion of Councillor Pirri seconded by Councillor Humfryes, Council consented on a two-thirds vote to extend the hour past 11 p.m. in accordance with subsection 3.16(b) of the Procedural By-law.

1. DECLARATION OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

There were no declarations of pecuniary interest under the *Municipal Conflict of Interest Act*.

2. APPROVAL OF THE AGENDA

**Moved by Councillor Humfryes
Seconded by Councillor Pirri**

THAT the agenda as circulated by Legal and Legislative Services, ***with the following additions and the removal of Item 9***, be approved:

- Replacement Page 2 (Agenda page 121) for Item 10 – IES15-047 – Water Operator Vacancy – Four-Month Gapping Rule
- Item 23 – LLS15-051 – Canada Post Community Mailbox Installations on Town Roadways
- Item 24 – Memorandum from Mayor Dawe; Re: Exemption to the Town’s Sign By-law – 2015 Magna Hoedown Event, September 18-19, 2015
- Item 25 – Memorandum from Director of Infrastructure & Environmental Services; Re: Removal of Item 9 – Report No. IES15-046 – Additional Winter Maintenance Resources
- Closed Session Item 4 – A proposed or pending acquisition or disposition of land by the Town or Local Board (section 239(2)(c) of the *Municipal Act, 2001*); Re: Report No. PL15-065 – Agreement of Purchase and Sale for 33 Eric T. Smith Way
- Closed Session Item 5 – A proposed or pending acquisition or disposition of land by the Town or Local Board (section 239(2)(c) of the *Municipal Act, 2001*); Re: Report No. PL15-066 – Agreement of Purchase and Sale for 21 Eric T. Smith Way

CARRIED

3. ADOPTION OF THE MINUTES

Council Meeting Minutes of July 14, 2015
Special Council Meeting Minutes of July 28, 2015

Moved by Councillor Kim
Seconded by Councillor Pirri

THAT the Council meeting minutes of July 14, 2015, and the Special Council meeting minutes of July 28, 2015, be adopted as printed and circulated.

CARRIED

4. PRESENTATIONS

(a) Al Downey, Director of Parks and Recreation Services
Re: John West Memorial “Leaders of Tomorrow” Scholarship Award

Mr. Downey noted former Mayor John West’s wish to recognize those who not only succeeded academically but, more importantly, were also involved in school and community activities, volunteerism, and giving back to the community, and to recognize those who would implement change, influence decisions, and lead us into the future. Mr. Downey announced Ms. Sally Falk as the winner of the inaugural John West Memorial “Leaders of Tomorrow” Scholarship Award. He noted that Sally is a graduate of Aurora High School and highlighted some of her many achievements, activities, contributions, and involvement in the community. Mr. Downey then introduced Ms. Falk and she was presented with her Award.

**Moved by Councillor Pirri
Seconded by Councillor Thom**

THAT the presentation of Al Downey, Director of Parks and Recreation Services, be received for information.

CARRIED

**(b) Don Lewis, President, Aurora Lions Club
Re: Home for the Aurora Lions Club**

Mr. Lewis noted that the Aurora Lions Club is currently without a home and he requested that Council consider allowing the Club to use a section of the old library building as their new home, and presented a schematic of the area with the proposed renovations that would be required. He further noted that the Lions Club has served the community of Aurora for more than 70 years and needs a place to work as they strengthen and grow in order to continue serving the community.

**Moved by Councillor Thompson
Seconded by Councillor Mrakas**

THAT the presentation of Don Lewis, President, Aurora Lions Club, be received and referred to staff for a report back to Council.

CARRIED

**(c) Bruce Stafford and Stephen Kimmerer, Sport Aurora
Re: Consideration of Multi-Sport Use Facility/Hallmark Building**

Mr. Stafford and Mr. Kimmerer presented Council with a proposal to use the unoccupied, former Hallmark Building at 100 Vandorf Sideroad as a sports and athletic centre, and requested that Council direct staff to investigate the feasibility of the Town partnering with sport and recreation providers by either purchasing, leasing or leasing-to-own this property and provide rentable, customized, specialty training and competition space for the benefit of athletes in Aurora.

**Moved by Councillor Mrakas
Seconded by Councillor Thompson**

THAT the presentation of Bruce Stafford and Stephen Kimmerer, Sport Aurora, be received and referred to the Director of Parks and Recreation Services for consultation in relation to the Parks and Recreation Master Plan and a report back to Council.

CARRIED

5. PUBLIC SERVICE ANNOUNCEMENTS

Councillor Thompson extended a reminder regarding the Doors Open Aurora event being held on Saturday, August 15, 2015.

Councillor Humfryes announced that Family Day would be celebrated on Saturday, August 15, 2015, at the Aurora Farmers' Market & Artisan Fair, and a Community Corn Roast would be held on Saturday, August 22, 2015.

Mayor Dawe noted that he and Councillor Humfryes had attended the memorial service of former Councillor, and former member of Town staff, Norman Weller who passed away on August 1, 2015. A moment of silence was observed in his honour.

Mayor Dawe extended a reminder regarding various Town events including: Concerts in the Park featuring Tom Leadbeater, Spirit of Nova Scotia, at 7 p.m. on Wednesday, August 12, 2015; Movies in the Park featuring *Annie* at dusk on Friday, August 14, 2015; Doors Open Aurora from 10 a.m. to 4 p.m. on Saturday, August 15, 2015; and the End of Summer Blues Concert in the Park featuring the Jack de Keyzer Band on Wednesday, September 2, 2015; and noted that further information is available at www.aurora.ca.

Mayor Dawe noted that spaces are still available at the Aurora Summer Camps and An Adventure-a-Day Youth Camp, and further information is on the Town website.

Mayor Dawe noted that the Town is looking for members for its Youth Engagement Committee and that applications are available on the Town website and would be accepted until Monday, August 31, 2015.

Mayor Dawe announced that the Town would be hosting a Youth Volunteer Fair on September 24, 2015, from 4 p.m. to 7 p.m. at the Aurora Family Leisure Complex.

Mayor Dawe advised that updates regarding Highland Gate, including answers to questions from the June Public Planning meeting, would be available on August 12, 2015, at www.aurora.ca/highlandgate.

Councillor Mrakas announced that the Aurora Youth Soccer Club would be holding its First Annual AYSC Footgolf Tournament on August 15, 2015, and further information was available at www.aysc.ca.

Councillor Gaertner noted her recent visit to Hillary House and extended congratulations to the Aurora Historical Society for its interesting tennis display and newly restored grass tennis court, and for its success in receiving the associated funding.

Mayor Dawe announced that the 400th anniversary of Étienne Brûlé's expedition from Orillia to Lake Ontario would be celebrated on Saturday, September 12, 2015, through the re-enactment of the journey by a small group from the Toronto Historical Society. The Mayor noted that the public is invited to greet this group of voyageurs at the Aurora Armoury at 12:30 p.m.

Mayor Dawe congratulated Councillor Paul Pirri on his selection as Vice Chair of the Environmental Issues and Sustainable Development Committee at the Federation of Canadian Municipalities (FCM), where he represents Aurora on four FCM committees including conference planning, international relations, and increasing women's participation in municipal government.

Mayor Dawe introduced and welcomed Patrick Moyle, Interim Chief Administrative Officer for the Town of Aurora.

6. DETERMINATION OF ITEMS REQUIRING SEPARATE DISCUSSION

Items 1, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 15, 16, 18, and 23 were identified as items for discussion.

7. ADOPTION OF ITEMS NOT REQUIRING SEPARATE DISCUSSION

Items 2, 14, 17, 19, 20, 21, 22, 24, and 25 were identified as items not requiring separate discussion. Item 9 was removed from the agenda on approval of the agenda.

**Moved by Councillor Thom
Seconded by Councillor Humfryes**

THAT the following recommendations with respect to the matters listed as "Items Not Requiring Separate Discussion" be adopted as submitted to Council and staff be authorized to take all necessary action required to give effect to same:

2. PL15-053 – Delegated Agreements, 2015 Summary Report

THAT Report No. PL15-053 be received for information.

14. PL15-060 – Hotel Development Charges

THAT Report No. PL15-060 be received and referred to the General Committee meeting of September 8, 2015, with the following recommendations:

THAT staff be authorized to enter into Development Charge Deferral Agreements for hotel or motel developments which defer the excess amounts that the hotel is required to pay over the amount an office building of similar size would be required to pay, and that such surcharge be deferred until the use of the building changes; and

THAT staff be directed to return to a rate calculation based upon the non-residential rate for the gross square footage in calculating the Development Charges for hotels and motels in the next update of the Development Charges By-law; and

THAT York Region be requested to consider the deferral of development charges and amendment of the Regional Development Charges By-law as described above.

17. PR15-025 – Lease Agreement – Pro Shops

THAT Report No. PR15-025 be received; and

THAT a Lease Agreement between the Town of Aurora and Hockey Lion Inc. for the lease of space in the Stronach Aurora Recreation Complex (SARC) and the Aurora Community Centre (ACC) for the operation of skate sharpening services and Pro Shop be approved; and

THAT the Mayor and Town Clerk be authorized to execute any agreement, including any and all documents and ancillary agreements required to give effect to same.

19. Memorandum from Mayor Dawe
Re: Mayor's Task Force on Physical Activity

THAT the memorandum regarding Mayor's Task Force on Physical Activity be received for information.

20. Memorandum from Mayor Dawe
Re: Lake Simcoe Region Conservation Authority Highlights
June 26, 2015 – Meeting of the Board

THAT the memorandum regarding Lake Simcoe Region Conservation Authority Highlights, June 26, 2015 – Meeting of the Board be received for information.

21. Heritage Advisory Committee Meeting No Quorum Report of June 8, 2015

THAT the Heritage Advisory Committee meeting No Quorum Report of June 8, 2015, be received for information.

22. Heritage Advisory Committee Meeting Minutes of July 13, 2015

THAT the Heritage Advisory Committee meeting minutes of July 13, 2015, be received; and

THAT the following recommendation regarding Item 1 – Report No. HAC15-002 – Request to Remove a Property from the Aurora Register of Properties of Cultural Heritage Value or Interest, 12 Ransom Street be approved:

THAT the property located at 12 Ransom Street be removed from the Aurora Register of Properties of Cultural Heritage Value or Interest subsequent to demolition; and

THAT the following recommendations regarding Item 2 – Report No. HAC15-005 – Request to Remove a Property from the Aurora Register of Properties of Cultural Heritage Value or Interest, 98 Mosley Street be approved:

THAT the property located at 98 Mosley Street be removed from the Aurora Register of Properties of Cultural Heritage Value or Interest; and

THAT the proposed elevations are subject to approval of Planning Staff to ensure the proposed new dwelling will maintain the heritage character of the area.

24. Memorandum from Mayor Dawe
Re: Exemption to the Town's Sign By-law – 2015 Magna Hoedown Event
(Added Item)

THAT the memorandum regarding Exemption to the Town's Sign By-law – 2015 Magna Hoedown Event be received; and

THAT an exemption from the Town's Sign By-law special events provisions be granted for the 2015 Magna Hoedown to permit special events signs to be posted for more than fourteen (14) days in advance of the event.

25. Memorandum from Director of Infrastructure & Environmental Services
Re: Removal of Item 9 – Report No. IES15-046 – Additional Winter Maintenance Resources
(Added Item)

THAT the memorandum regarding Removal of Item 9 – Report No. IES15-046 – Additional Winter Maintenance Resources be received; and

THAT this item be removed from the August 11, 2015 Council meeting agenda.

CARRIED

8. DELEGATIONS

None

9. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION

Council considered Item 1 following Item 23 and prior to Closed Session.

1. CAO15-008 – Community Tourism Plan

Moved by Councillor Pirri
Seconded by Councillor Humfryes

THAT Council endorse the Community Tourism Plan and specifically approve the Action Plan contained within the Plan; and

THAT the Tourism Coordinator position as outlined within the Action Plan be referred to the 2016 Budget process.

**Motion to refer
Moved by Councillor Mrakas
Seconded by Councillor Humfries**

THAT Item 1, CAO15-008 – Community Tourism Plan, be referred to the 2016 Budget process.

CARRIED

3. Environmental Advisory Committee Meeting Minutes of June 10, 2015

On a motion of Councillor Thom seconded by Councillor Kim, Council consented to consider Item 3 prior to Item 1.

**Main motion
Moved by Councillor Gaertner
Seconded by Councillor Humfries**

THAT the Environmental Advisory Committee meeting minutes of June 10, 2015, be received for information.

**Amendment No. 1
Moved by Councillor Gaertner
Seconded by Councillor Mrakas**

THAT the main motion be amended by adding the following clauses:

“THAT a public education component and strategy be developed instructing residents on the proper discharge of wastewater from private swimming pools and hot tubs, and that options be provided for distribution of this information to all owners as soon as possible; and

THAT staff investigate revising the current Sewer Use By-law to deal with the correct handling and discharge of swimming pool and hot tub wastewater.”

**Amendment to Amendment No. 1
Moved by Councillor Pirri
Seconded by Councillor Mrakas**

THAT Amendment No. 1 be amended by adding the following clause:

“THAT staff report back to the Environmental Advisory Committee.”

CARRIED

**Amendment No. 1 as amended
Moved by Councillor Pirri
Seconded by Councillor Mrakas**

THAT the main motion be amended by adding the following clauses:

“THAT a public education component and strategy be developed instructing residents on the proper discharge of wastewater from private swimming pools and hot tubs, and that options be provided for distribution of this information to all owners as soon as possible; and

THAT staff investigate revising the current Sewer Use By-law to deal with the correct handling and discharge of swimming pool and hot tub wastewater; and

THAT staff report back to the Environmental Advisory Committee.”

CARRIED

**Main motion as amended
Moved by Councillor Gaertner
Seconded by Councillor Humfries**

THAT the Environmental Advisory Committee meeting minutes of June 10, 2015, be received; *and*

THAT a public education component and strategy be developed instructing residents on the proper discharge of wastewater from private swimming pools and hot tubs, and that options be provided for distribution of this information to all owners as soon as possible; and

THAT staff investigate revising the current Sewer Use By-law to deal with the correct handling and discharge of swimming pool and hot tub wastewater; and

THAT staff report back to the Environmental Advisory Committee.

CARRIED AS AMENDED

4. Economic Development Advisory Committee Meeting Minutes of June 11, 2015

**Motion to defer
Moved by Councillor Gaertner
Seconded by Councillor Thom**

THAT consideration of Item 4, Economic Development Advisory Committee Meeting Minutes of June 11, 2015, be deferred to the Council meeting of August 25, 2015.

CARRIED

5. Aurora Family Leisure Complex Liaison Committee Meeting Minutes of June 23, 2015

**Motion to defer
Moved by Councillor Gaertner
Seconded by Councillor Thom**

THAT consideration of Item 5, Aurora Family Leisure Complex Liaison Committee Meeting Minutes of June 23, 2015, be deferred to the Council meeting of August 25, 2015.

CARRIED

6. LLS15-047 – Effectiveness of Liquidated Damages Clauses

**Motion to defer
Moved by Councillor Gaertner
Seconded by Councillor Thom**

THAT consideration of Item 6, LLS15-047 – Effectiveness of Liquidated Damages Clauses, be deferred to the Council meeting of August 25, 2015.

CARRIED

7. IES15-043 – Award of Tender IES2015-12 – The Supply and Administration of a School Crossing Guard Service

On a motion of Councillor Humfryes seconded by Councillor Pirri, Council consented to consider Item 7 following Item 16.

**Moved by Councillor Gaertner
Seconded by Councillor Thompson**

THAT Report No. IES15-043 be received; and

THAT Tender IES2015-12 – The Supply and Administration of School Crossing Guard Service be awarded to Proactive Staffing Services Inc. for a three (3) school-year term for the amount of \$417,447.58, excluding taxes; and

THAT the 2015 operating budget for contracts be increased by \$40,972.84 to a revised amount of \$145,972.84 to be funded through 2015 corporate surplus; and

11. PL15-055 – Application for Exemption from Part Lot Control, Mattamy (Aurora) Limited, Blocks 107, 108, 115, and 120, Plan 65M-4423, File No. PLC-2015-03

On a motion of Councillor Humfryes seconded by Councillor Pirri, Council consented to consider Item 11 following Item 10.

Moved by Councillor Gaertner
Seconded by Councillor Kim

THAT Report No. PL15-055 be received; and

THAT Council approve the Application for Exemption from Part Lot Control submitted by Mattamy (Aurora) Limited to divide Blocks 107, 108, 115 and 120 on Plan 65M-4423 into twenty-seven (27) separate lots for townhouse units; and

THAT the Part Lot Control Exemption By-law be introduced and enacted.

CARRIED

12. PL15-058 – Application for Site Plan Approval, Matheson Constructors Ltd., 30 Eric T Smith Way, Part of Lot 1, Plan 65M-4324, File Number: SP-2015-06

On a motion of Councillor Thom seconded by Councillor Kim, Council consented to consider Item 12 following Item 3.

Moved by Councillor Gaertner
Seconded by Councillor Pirri

THAT Report No. PL15-058 be received; and

THAT Site Plan Application File: SP-2015-06 (Matheson Constructors Limited) be approved to permit the development of the subject lands for the construction a two-storey 1,802 sqm Gross Floor Area (GFA) office building and equipment storage garage; and

THAT the Mayor and Town Clerk be authorized to execute the Site Plan Agreement, including any and all documents and ancillary agreements required to give effect to same.

CARRIED

13. PL15-059 – Update on Development Progress in 2C Planning Area

Motion to defer
Moved by Councillor Gaertner
Seconded by Councillor Thom

THAT consideration of Item 13, PL15-059 – Update on Development Progress in 2C Planning Area, be deferred to the Council meeting of August 25, 2015.

CARRIED

15. PR15-023 – Renaming a Section of Nokiidaa Trail

Motion to defer

Moved by Councillor Gaertner

Seconded by Councillor Thom

THAT consideration of Item 15, PR15-023 – Renaming a Section of Nokiidaa Trail, be deferred to the Council meeting of August 25, 2015.

CARRIED

16. PR15-024 – McMahon Park Neighbourhood Garden

On a motion of Councillor Thom seconded by Councillor Kim, Council consented to consider Item 16 following Item 12.

Moved by Councillor Gaertner

Seconded by Councillor Humfryes

THAT Report No. PR15-024 be received; and

THAT the local area residents in the vicinity of McMahon Park be consulted according to the process set out in Report No. PR15-024 to gauge public interest in the establishment of a neighbourhood garden in a section of McMahon Park; and

THAT staff report back to Council on the outcomes of the consultation process and any recommendations pertaining to the establishment of a neighbourhood garden in McMahon Park.

CARRIED

**18. Memorandum from Director of Legal & Legislative Services/Town Solicitor
Re: August 25, 2015 Council Meeting**

On a motion of Councillor Mrakas seconded by Councillor Thom, Council consented to consider Item 18 following Motion for Which Notice Has Been Given (d).

Moved by Councillor Mrakas

Seconded by Councillor Thom

THAT the memorandum regarding August 25, 2015 Council Meeting be received; and

THAT the Council meeting scheduled for August 25, 2015, be cancelled.

DEFEATED

23. LLS15-051 – Canada Post Community Mailbox Installations on Town Roadways

(Added Item)

On a motion of Councillor Humfries seconded by Councillor Pirri, Council consented to consider Item 23 following Item 11.

Moved by Councillor Mrakas
Seconded by Councillor Thompson

THAT Report No. LLS15-051 be received; and

THAT the Town issue a blanket Road Allowance Excavation Permit to Canada Post (through its contractor) in exchange for completion of a permit application and payment of \$50.00 for each site in Aurora where a community mailbox is installed as part of Canada Post's delivery conversion program; and

THAT the Director of Infrastructure & Environmental Services be authorized to execute the Memorandum of Payment on behalf of the Town regarding Canada Post's installation of community mailboxes in Aurora, including any and all documents and ancillary agreements required to give effect to same; and

THAT the Director of Infrastructure & Environmental Services be authorized to execute a Community Mailbox Installation Agreement on behalf of the Town regarding Canada Post's installation of community mailboxes in Aurora, including any and all documents and ancillary agreements required to give effect to same.

CARRIED

10. NOTICES OF MOTION/MOTIONS FOR WHICH NOTICE HAS BEEN GIVEN

(i) Notices of Motion

(a) Councillor Thom
Re: Celebration of The Queen's Reign

This Notice of Motion was considered under subsection 10.(ii) "Motions for Which Notice Has Been Given" as Motion (d).

(b) Mayor Dawe
Re: Special Council Meeting to Review Procedural By-law Number 5330-11

WHEREAS Council has adopted Procedural By-law Number 5330-11, as amended, ("Procedural By-law") to ensure fair and efficient Meetings of Council and Committees; and

WHEREAS Section 11 of the Procedural By-law states that "Council shall review this By-law within the first six (6) months of the second year of each term of Council"; and

WHEREAS Members of Council, including new Members of Council, have already had significant experience with the rules and regulations set out in the Procedural By-law; and

WHEREAS Council should ensure that the Meetings of Council and Committees continue to be fair and efficient.

NOW THEREFORE BE IT HEREBY RESOLVED THAT the requirements of Section 11 of the Procedural By-law be waived to permit Council to review the Procedural By-law in the fall of 2015; and

BE IT FURTHER RESOLVED THAT a Special Council workshop be scheduled to review staff recommendations to amend the Procedural By-law.

(c) Councillor Humfryes
Re: Town of Aurora Financial Health Status

WHEREAS the Town of Aurora budget process is very complex and focused, so that most Aurora residents do not fully understand the financial health of the Town; and

WHEREAS the Town provides an end of budget review including tax increases, capital and operational project approvals; and

WHEREAS as the majority of residents of Aurora are not heavily engaged in the budget process.

NOW THEREFORE BE IT HEREBY RESOLVED that staff be directed to prepare a Financial Health Status Report for each fiscal year after adoption of the budget to be communicated to all residents; and

BE IT FURTHER RESOLVED THAT the format of the Financial Health Status Report of the Town of Aurora should generally adhere to the following guidelines:

1. It should be clear, concise and meaningful to a majority of Aurora residents;
2. It should be a meaningful communication tool based on best practices in the sector;

3. It should avoiding the use of accounting terminology and reporting formats (e.g., balance sheets);
4. It should generally provide information on the following topics:
 - (a) the amount of cash the Town has in the bank;
 - (b) the value of the Town's investments and the rate of return/performance of those investments;
 - (c) the value of the Town's assets;
 - (d) the status of the Town's reserves, including a simplified explanation on the policies guiding the growth and use of the Town's reserves;
 - (e) where the Town spends its money;
 - (f) expectations on the future financial health of the Town; and

BE IT FURTHER RESOLVED THAT staff be directed to present a draft of the format of the Financial Health Status Report at a future General Committee meeting for consideration by Council prior to the adoption of the 2016 Budget.

(d) Councillor Thompson and Councillor Mrakas
Re: Establishment of a Cultural Precinct

This Notice of Motion was considered under subsection 10.(ii) "Motions for Which Notice Has Been Given" as Motion (c).

(ii) Motions for Which Notice Has Been Given

On a motion of Councillor Thompson seconded by Councillor Gaertner, Council consented to consider subsection 10.(ii) "Motions for Which Notice Has Been Given" following the adoption of items considered in Closed Session.

On a motion of Councillor Thompson seconded by Councillor Pirri, Council consented on a two-thirds vote to waive the requirements of subsection 3.13(b) of the Procedural By-law to move forward Notice of Motion (d) for consideration as Motion (c), and Notice of Motion (a) for consideration as Motion (d).

(a) Councillor Mrakas
Re: 2016 Hiring Freeze

Main motion
Moved by Councillor Mrakas
Seconded by Councillor Humfries

WHEREAS salaries and benefits represent nearly a quarter of the Town's operating budget; and

WHEREAS additional staff hires will, as a consequence, increase the operating budget; and

WHEREAS any increase in costs within the operating budget will impact the tax levy.

NOW THEREFORE BE IT HEREBY RESOLVED THAT The Town of Aurora implement a one-year hiring freeze on all new positions for the 2016 fiscal year; and

BE IT FURTHER RESOLVED THAT any replacement of existing vacancies (excluding the current vacancy of the Chief Administrative Officer) be subject to review by Council during the hiring freeze period; and

BE IT FURTHER RESOLVED THAT the hiring freeze would not apply to positions mandated by legislation and/or seasonal positions provided that they do not exceed approved budgeted levels.

**Amendment
Moved by Councillor Mrakas
Seconded by Councillor Humfryes**

THAT the main motion be amended by replacing the second operative clause with the following clause:

“BE IT FURTHER RESOLVED THAT the Interim Chief Administrative Officer develop a vacancy control program and bring forward a proposal for Council’s consideration as soon as possible.”

CARRIED

**Motion to table
Moved by Councillor Pirri
Seconded by Councillor Thom**

THAT the first and third operative clauses of the main motion be tabled.
DEFEATED

**Motion to refer
Moved by Councillor Pirri
Seconded by Councillor Thom**

THAT the first and third operative clauses of the main motion be referred to the 2016 Budget process.
DEFEATED

**Main motion as amended
Moved by Councillor Mrakas
Seconded by Councillor Humfryes**

WHEREAS salaries and benefits represent nearly a quarter of the Town’s operating budget; and

WHEREAS additional staff hires will, as a consequence, increase the operating budget; and

WHEREAS any increase in costs within the operating budget will impact the tax levy.

NOW THEREFORE BE IT HEREBY RESOLVED THAT The Town of Aurora implement a one-year hiring freeze on all new positions for the 2016 fiscal year; and

BE IT FURTHER RESOLVED THAT the Interim Chief Administrative Officer develop a vacancy control program and bring forward a proposal for Council's consideration as soon as possible; and

BE IT FURTHER RESOLVED THAT the hiring freeze would not apply to positions mandated by legislation and/or seasonal positions provided that they do not exceed approved budgeted levels.

**On a recorded vote the first operative clause
of the main motion as amended was
DEFEATED**

YEAS: 4 NAYS: 4
VOTING YEAS: Councillors Gaertner, Humfryes, Kim, and
Mrakas
VOTING NAYS: Councillors Pirri, Thom, Thompson, and
Mayor Dawe
ABSENT: Councillor Abel

**On a recorded vote the second operative clause
of the main motion as amended
CARRIED**

YEAS: 8 NAYS: 0
VOTING YEAS: Councillors Gaertner, Humfryes, Kim, Mrakas
Pirri, Thom, Thompson, and Mayor Dawe
VOTING NAYS: None
ABSENT: Councillor Abel

**On a recorded vote the third operative clause
of the main motion as amended
CARRIED**

YEAS: 6 NAYS: 2
VOTING YEAS: Councillors Gaertner, Humfryes, Kim, Mrakas,
Pirri, and Mayor Dawe
VOTING NAYS: Councillors Thom and Thompson
ABSENT: Councillor Abel

(b) Councillor Humfryes
Re: Church Street School Landscaping

Moved by Councillor Humfryes
Seconded by Councillor Pirri

WHEREAS the Church Street School is one of Aurora's beautifully restored historical buildings; and

WHEREAS the Aurora Cultural Centre hosts many art shows in the gallery, musical events and several special events; and

WHEREAS these many shows and events attract residents from Aurora, York Region, the Greater Toronto Area, and beyond; and

WHEREAS the current landscape does not indicate pride of ownership.

NOW THEREFORE BE IT HEREBY RESOLVED THAT staff review and provide appropriate landscape designs that would be more suitable for the building; and

BE IT FURTHER RESOLVED THAT the design options be first presented to the Aurora Cultural Centre Board to ensure that the design is conducive to Cultural Centre programming and vision, followed by a report to Council early in September 2015.

CARRIED

(c) Councillor Thompson and Councillor Mrakas
Re: Establishment of a Cultural Precinct

Moved by Councillor Thompson
Seconded by Councillor Mrakas

WHEREAS the Aurora Promenade Urban Design Strategy sets out eight overarching strategies highlighting key aspects that will shape the future of the Aurora Promenade; and

WHEREAS these strategies are important "big moves" that will help achieve long-term planning and urban design objectives; and

WHEREAS the establishment of a Cultural Precinct is identified within the Aurora Promenade Concept Plan as a priority action and one of the key strategies for the revitalization of the downtown core; and

WHEREAS the Cultural Precinct is defined within the Promenade plan as a three (3) block area that contains the Aurora Public Library, the Aurora Cultural Centre, Trinity Church, the Armoury, and Town Park; and

WHEREAS the establishment of a cultural precinct represents an opportunity to leverage the concentration of these cultural assets as an attraction, reinforced by additional facilities, enhanced public spaces, and distinct streetscape treatments.

NOW THEREFORE BE IT HEREBY RESOLVED THAT staff be directed to conduct an RFP to engage a design firm to establish a Vision and Conceptual Plan for the Cultural Precinct Area; and

BE IT FURTHER RESOLVED THAT the final report and conceptual plan for the Cultural Precinct Area be presented to Council for consideration prior to the approval of the 2016 Budget.

CARRIED

**(d) Councillor Thom
Re: Celebration of The Queen's Reign**

**Moved by Councillor Thom
Seconded by Councillor Humfryes**

WHEREAS September 9, 2015, will mark a historic and triumphal day in the reign of Her Majesty Queen Elizabeth II, Queen of Canada, and on this day, Her Majesty's reign will surpass that of Queen Victoria, the mother of Canadian Confederation; and

WHEREAS the dedicated service to Canada by Her Majesty The Queen, over her 63 years on the throne, is cause for national celebration; and

WHEREAS a public event in celebration of The Queen's reign will bring our community closer together, demonstrate our Town's pride for our country, and will give us a great opportunity to educate our youth on Canada's national institutions, history and culture.

NOW THEREFORE BE IT HEREBY RESOLVED THAT Council request the Director of Parks and Recreation Services to organize a Town event in celebration of The Queen's reign, to be held on September 9, 2015; and

BE IT FURTHER RESOLVED THAT Council allocate a budget for the event, not to exceed \$2,000, from the Council Contingency Reserve Fund.

CARRIED

11. REGIONAL REPORT

York Regional Council Highlights – June 25, 2015

Motion to defer
Moved by Councillor Gaertner
Seconded by Councillor Thom

THAT consideration of the York Regional Council Highlights – June 25, 2015, be deferred to the Council meeting of August 25, 2015.

CARRIED

12. NEW BUSINESS/GENERAL INFORMATION

Councillor Gaertner referred to the Town's Emerald Ash Borer treatment program and commented on suggested research regarding the environmental risks. The Director of Parks and Recreation Services advised that the chemical IMA-jet is not airborne.

Councillor Mrakas advised that residents had expressed concern regarding the orange dust on the Highland Gate property. The Mayor requested that the Director of Planning and Developments Services take this information on advisement.

13. READING OF BY-LAWS

Moved by Councillor Thompson
Seconded by Councillor Humfries

THAT the following by-laws be given first, second, and third readings and enacted:

5750-15 BEING A BY-LAW to appoint an Interim Chief Administrative Officer for The Corporation of the Town of Aurora.

5751-15 BEING A BY-LAW to exempt Blocks 107, 108, 115 and 120 on Plan 65M-4423 from Part-Lot Control (Mattamy (Aurora) Limited).

CARRIED

14. CLOSED SESSION

On a motion of Councillor Thompson seconded by Councillor Mrakas, Council consented to resolve into a Closed Session meeting at 9:04 p.m. to consider the following matters:

1. Personal matters about an identifiable individual, including a Town or Local Board employee (section 239(2)(b) of the *Municipal Act*, 2001); Re: Report No. LLS15-049 – Appointments to the Community Recognition Review Ad Hoc Committee
2. A proposed or pending acquisition or disposition of land by the Town or Local Board (section 239(2)(c) of the *Municipal Act*, 2001); Re: Report No. PL15-061 – Agreement of Purchase and Sale for 45 Eric T. Smith Way

3. A proposed or pending acquisition or disposition of land by the Town or Local Board (section 239(2)(c) of the *Municipal Act, 2001*); Re: Report No. LLS15-050 – Offer to Sell – Aurora Promenade Area
4. A proposed or pending acquisition or disposition of land by the Town or Local Board (section 239(2)(c) of the *Municipal Act, 2001*); Re: Report No. PL15-065 – Agreement of Purchase and Sale for 33 Eric T. Smith Way (Added Item)
5. A proposed or pending acquisition or disposition of land by the Town or Local Board (section 239(2)(c) of the *Municipal Act, 2001*); Re: Report No. PL15-066 – Agreement of Purchase and Sale for 21 Eric T. Smith Way (Added Item)

On a motion of Councillor Pirri seconded by Councillor Thom, Council consented to reconvene into open session at 10:57 p.m. to rise and report from Closed Session.

1. **Personal matters about an identifiable individual, including a Town or Local Board employee (section 239(2)(b) of the *Municipal Act, 2001*); Re: Report No. LLS15-049 – Appointments to the Community Recognition Review Ad Hoc Committee**

Moved by Councillor Humfries
Seconded by Councillor Thom

THAT Closed Session Report No. LLS15-049 be received; and

THAT the following citizen members be appointed to the Community Recognition Ad Hoc Committee, effective September 1, 2015:

1. Diane Buchanan
2. Steve Hinder
3. Tim Jones
4. Brian Alexander North
5. Jo-anne Spitzer; and

THAT the following Council members be appointed to the Community Recognition Ad Hoc Committee, effective September 1, 2015:

1. Councillor Tom Mrakas
2. Councillor Sandra Humfries

CARRIED

2. **A proposed or pending acquisition or disposition of land by the Town or Local Board (section 239(2)(c) of the *Municipal Act, 2001*); Re: Report No. PL15-061 – Agreement of Purchase and Sale for 45 Eric T. Smith Way**

**Moved by Councillor Pirri
Seconded by Councillor Kim**

THAT the confidential recommendations in respect to a proposed or pending acquisition or disposition of land by the Town or Local Board; Re: Report No. PL15-061 – Agreement of Purchase and Sale for 45 Eric T. Smith Way, be approved and staff be authorized to proceed as directed by Council in Closed Session on August 11, 2015.

CARRIED

- 3. A proposed or pending acquisition or disposition of land by the Town or Local Board (section 239(2)(c) of the *Municipal Act, 2001*); Re: Report No. LLS15-050 – Offer to Sell – Aurora Promenade Area**

**Moved by Councillor Thompson
Seconded by Councillor Mrakas**

THAT the confidential recommendations in respect to a proposed or pending acquisition or disposition of land by the Town or Local Board; Re: Report No. LLS15-050 – Offer to Sell – Aurora Promenade Area, be approved and staff be authorized to proceed as directed by Council in Closed Session on August 11, 2015.

CARRIED

- 4. A proposed or pending acquisition or disposition of land by the Town or Local Board (section 239(2)(c) of the *Municipal Act, 2001*); Re: Report No. PL15-065 – Agreement of Purchase and Sale for 33 Eric T. Smith Way**
(Added Item)

**Moved by Councillor Thompson
Seconded by Councillor Thom**

THAT the confidential recommendations in respect to a proposed or pending acquisition or disposition of land by the Town or Local Board; Re: Report No. PL15-065 – Agreement of Purchase and Sale for 33 Eric T. Smith Way, be approved and staff be authorized to proceed as directed by Council in Closed Session on August 11, 2015.

CARRIED

- 5. A proposed or pending acquisition or disposition of land by the Town or Local Board (section 239(2)(c) of the *Municipal Act, 2001*); Re: Report No. PL15-066 – Agreement of Purchase and Sale for 21 Eric T. Smith Way**
(Added Item)

**Moved by Councillor Thompson
Seconded by Councillor Kim**

THAT the confidential recommendations in respect to a proposed or pending acquisition or disposition of land by the Town or Local Board; Re: Report No. PL15-066 – Agreement of Purchase and Sale for 21 Eric T. Smith Way, be approved and staff be authorized to proceed as directed by Council in Closed Session on August 11, 2015.

CARRIED

13. READING OF BY-LAWS

**Moved by Councillor Pirri
Seconded by Councillor Thom**

THAT the following confirming by-law be given first, second, and third readings and enacted:

5753-15 BEING A BY-LAW to Confirm Actions by Council Resulting from Council Meeting on August 11, 2015.

CARRIED

15. ADJOURNMENT

**Moved by Councillor Mrakas
Seconded by Councillor Pirri**

THAT the meeting be adjourned at 12:13 a.m. on August 12, 2015.

CARRIED

GEOFFREY DAWE, MAYOR

STEPHEN M. A. HUYCKE, TOWN CLERK

THE MINUTES OF THE COUNCIL MEETING OF AUGUST 11, 2015, ARE SUBJECT TO FINAL APPROVAL BY COUNCIL ON AUGUST 25, 2015.



**TOWN OF AURORA
ECONOMIC DEVELOPMENT ADVISORY COMMITTEE
MEETING MINUTES**

Date: Thursday, June 11, 2015

Time and Location: 7 p.m., Leksand Room, Aurora Town Hall

Committee Members: Councillor Paul Pirri (Chair), Councillor John Abel (Vice Chair), Don Constable (arrived 7:05 p.m./departed 8:10 p.m.), Rosalyn Gonsalves, Paul Smith, and Bruce Walkinshaw

Member(s) Absent: Marilee Harris

Other Attendees: Councillor Tom Mrakas, Councillor Michael Thompson, Marco Ramunno, Director of Planning and Development Services, Anthony Ierullo, Manager of Long Range and Strategic Planning, Michael Logue, Program Manager, Economic Development, and Linda Bottos, Council/Committee Secretary

The Chair called the meeting to order at 7 p.m.

1. DECLARATION OF PECUNIARY INTEREST

There were no declarations of pecuniary interest under *the Municipal Conflict of Interest Act*.

2. APPROVAL OF THE AGENDA

**Moved by Bruce Walkinshaw
Seconded by Rosalyn Gonsalves**

THAT the agenda as circulated by Legal and Legislative Services be approved.

CARRIED

3. RECEIPT OF THE MINUTES

Economic Development Advisory Committee Meeting Minutes of May 14, 2015

Moved by Rosalyn Gonsalves
Seconded by Councillor Abel

THAT the Economic Development Advisory Committee meeting minutes of May 14, 2015, be received for information.

CARRIED

4. DELEGATIONS

(a) Doug Lindeblom, Director of Economic Strategy, York Region
Re: York Region Broadband Study

Mr. Lindeblom presented an update on the Broadband Study in the context of the Region's Economic Development Action Plan where "Broadband Connectivity" is the second of six goals of the Plan. He noted that the most recent activity was the formation of a Regional Broadband Task Force, which was endorsed today by the Region's Committee of the Whole. Mr. Lindeblom provided background information on the Broadband Study, which was to determine the capabilities, issues, gaps, and opportunities across the Region. He stated that the Study results showed discontinuity across the Region while some parts of the Region have a very high level of connectivity which is attracting major data centres from around the world. Mr. Lindeblom added that the results showed that Aurora was a fairly well-served community, particularly from the number of internet service providers in employment areas. He discussed the Study recommendations and objectives, as well as the implementation priorities developed in the areas of education and advocacy, municipal processes, and infrastructure investments. Mr. Lindeblom reviewed the opportunities and services of YTN (York Telecom Network), ORION (Ontario Research and Innovation Optical Network), and CANARIE, Canada's national digital infrastructure supporting research, education, and innovation, and the partnership with Southlake Regional Health Centre and York University. He advised that the Region would be holding a Broadband & Innovation Summit, in partnership with the TAVES Consumer Electronics Show, in Richmond Hill on Friday, October 30 through Sunday, November 1, 2015, and noted that the Summit would be about establishing priorities on how to develop broadband capability that services the end user. Mr. Lindeblom concluded by reporting that the Region would be updating its Economic Development Action Plan in 2015 and would be holding sessions in the fall to solicit feedback regarding what issues and opportunities face the business community that the Region's Plan might help to address.

Moved by Paul Smith
Seconded by Councillor Abel

THAT the delegation by Doug Lindeblom be received for information.

CARRIED

5. MATTERS FOR CONSIDERATION

**1. Memorandum from Manager of Long Range and Strategic Planning
Re: Preferred Medical Campus Locations (Update)**

Staff provided a brief overview of the background information, including the four areas originally identified as potential locations for a medical campus, and noted that the preferred location in the area of Bayview Avenue and St. John's Sideroad was now less viable to accommodate large medical users due to recent redevelopment of the area. Staff stated that the project originally envisioned providing interconnectivity between larger medical users, medical practitioners, and medical research. Staff requested the Committee's direction regarding whether to proceed as previously discussed or to consider alternative options. Staff reported that the demand for practitioners locating in Aurora was strong, while the manufacturing aspect would require more attention. Staff informed the Committee of another potential opportunity and indicated that any potential interest in focusing on medical use would be investigated.

Moved by Paul Smith
Seconded by Councillor Abel

THAT the memorandum regarding Preferred Medical Campus Locations (Update) be received for information.

CARRIED

2. Economic Development Action Plan Review/Update – Discussion

Staff provided the context to the creation of the Economic Development Action Plan by the Economic Development Advisory Committee of the previous term. Staff noted that the Committee determined key priorities to be advanced in alignment with the Town's Strategic Plan and other policy documents. The Committee was invited to consider whether any adjustments to the Action Plan were necessary, and items discussed by the Committee and staff included:

- Business Ambassador Program – re-establish Program
- Business Retention & Expansion Plan – implement ongoing, shorter surveys
- Broadband Strategy
- Business Concierge Program – expand Program
- Marketing and Business Attraction – use successes as marketing tool, advertise in combination with entertainment district, sports, and tourism plan
- Entertainment District
- Future of Farmers' Market – define permanency, scope, and location
- Differentiated Tax Rates – explore potential to incentivize certain types of development

Moved by Councillor Abel
Seconded by Bruce Walkinshaw

THAT the Economic Development Advisory Committee recommend to Council:

THAT the following initiatives be added to the Economic Development Action Plan for the 2014-2018 Term of the Committee:

- Business Ambassador Program;
- Marketing and Business Attraction;
- Future of Farmers' Market; and
- Differentiated Tax Rates.

CARRIED

6. INFORMATIONAL ITEMS

3. Memorandum from Manager of Long Range and Strategic Planning
Re: 2014-2015 Town of Aurora Business Directory

Staff advised that an updated Business Directory, based on an annual employment survey carried out in partnership with York Region, is available online at businessaurora.ca in both a downloadable Excel spreadsheet format and an interactive, searchable map-based format. Staff briefly reviewed the Aurora 2014 employment survey results and noted that the numbers for employment and business growth were very positive. Staff further noted that the published information represents data collected last summer and that the collection of the 2015 data had already begun in Aurora this month.

The Committee inquired about the home-based business numbers and staff advised that the annual survey was traditionally focused on businesses with a physical store front. Staff noted that coordination with the local Chambers of Commerce had increased in an effort to capture more home-based businesses.

Moved by Bruce Walkinshaw
Seconded by Rosalyn Gonsalves

THAT the memorandum regarding 2014-2015 Town of Aurora Business Directory be received for information.

CARRIED

4. Extract from Council Meeting of April 28, 2015
Re: Economic Development Advisory Committee Meeting Minutes
of April 9, 2015

**Moved by Paul Smith
Seconded by Councillor Abel**

THAT the Extract from Council Meeting of April 28, 2015, regarding the Economic Development Advisory Committee meeting minutes of April 9, 2015, be received for information.

CARRIED

7. NEW BUSINESS

The Committee requested clarification on the importance of economic development to the Town and the Chair confirmed that great importance has been placed on economic development.

The Committee expressed concern regarding the decision of a major employer to relocate outside of Aurora. Staff relayed that the decision was a corporate one and the Town would be proactively engaging with the owner regarding plans for the property.

The Committee and staff discussed how surveys have shown that Aurora's industrial and commercial tax rates are relatively low and it was suggested that this type of information could be used as a marketing tool.

The Committee noted that York Region recently increased its development charges and commented on the potential negative impact on development in Aurora.

The Committee suggested that an additional meeting of the Committee be scheduled prior to September 2015.

**Moved by Bruce Walkinshaw
Seconded by Rosalyn Gonsalves**

THAT an additional meeting of the Economic Development Advisory Committee be scheduled in August 2015.

CARRIED

8. ADJOURNMENT

**Moved by Bruce Walkinshaw
Seconded by Councillor Abel**

THAT the meeting be adjourned at 9:22 p.m.

CARRIED

COMMITTEE RECOMMENDATIONS ARE NOT BINDING ON THE TOWN UNLESS ADOPTED BY COUNCIL AT A LATER MEETING.



**TOWN OF AURORA
AURORA FAMILY LEISURE COMPLEX (AFLC)
LIAISON COMMITTEE MEETING MINUTES**

Date: Tuesday, June 23, 2015

Time and Location: 2 p.m., Program Room B, Aurora Family Leisure Complex

Committee Members: Councillor John Abel (Chair), Councillor Michael Thompson, and Frans LeRojj

Member(s) Absent: Councillor Sandra Humfryes, Deni Crescenzi, Juergen Daurer, Wendy Frappier, Janet Matthews, Gene Scherrer, and Jo-anne Spitzer

Other Attendees: Councillor Wendy Gaertner, Councillor Tom Mrakas, Neil Garbe, Chief Administrative Officer, Ilmar Simanovskis, Director of Infrastructure and Environmental Services, Al Downey, Director of Parks and Recreation Services, Chris Catania, Accessibility Advisor, and Samantha Kong, Council/Committee Secretary

The Chair called the meeting to order at 2:05 p.m.

1. OPENING REMARKS

Councillor Abel welcomed the group and acknowledged that this may be the last meeting of the Aurora Family Leisure Complex (AFLC) Liaison Committee, contingent on Council's discretion and completion of the outstanding deficiencies.

2. PREVIOUS MEETING MINUTES OF MAY 27, 2015

The Aurora Family Leisure Complex Liaison Committee meeting minutes of May 27, 2015, were provided for information.

3. UPDATE AFLC OUTSTANDING DEFICIENCY LIST

The Committee was provided with an updated AFLC Outstanding Deficiency List, dated June 23, 2015, for review. Staff indicated that the fans have been ordered and would be installed in July 2015, and the installation of benches in the change rooms had been completed. The Committee commented on the quality of the benches and inquired if meeting minimum standards was sufficient. Staff stated that minimum standards refer to the dimensions of the benches rather than quality, and consideration of the quality, functionality, and cost is given when selecting finishes. Staff further noted that the entrance and exit areas of the track would be switched to address safety concerns.

The Committee inquired about the status of additional storage space for outdoor footwear and coats, as well as the size of lockers. Staff stated that the current shelves outside of the program rooms would be repurposed for outdoor footwear storage, and modifications would be made in the gym area and aerobic room to provide additional storage space. Staff further indicated that the proposed new lockers would be full-sized with an integrated bench to accommodate the needs of all users, and would require Council's approval.

The Committee inquired about the cost of the items indicated as "in progress" or "pending" on the list. Staff stated that items that indicate "in progress" would be allocated from the capital budget, and the items that indicate "pending" would require approval by Council.

The Committee inquired about babysitting services, family memberships, and alternatives to wrist bands. Staff indicated that babysitting services would no longer be offered and that family memberships would be a pricing policy discussion, which does not fit within the Committees mandate. Staff noted that wrist bands are cost-effective and that the cost and feasibility of alternatives would be presented in a future report to Council.

6. NEXT MEETING

None

7. ADJOURNMENT

The meeting was adjourned at 3:12 p.m.

COMMITTEE RECOMMENDATIONS ARE NOT BINDING ON THE TOWN UNLESS ADOPTED BY COUNCIL AT A LATER MEETING.



TOWN OF AURORA
CLOSED SESSION REPORT

No. LLS15-047

SUBJECT: *Effectiveness of Liquidated Damages Clauses*

FROM: *Warren Mar, Director of Legal & Legislative Services/Town Solicitor*

DATE: *July 14, 2015*

RECOMMENDATIONS

THAT Report No. LLS15-047 be received for information.

PURPOSE OF THE REPORT

The purpose of this report is to inform Council about the effectiveness of liquidated damages clauses, as well as other tools, in ensuring contractors meet project timelines and completion dates. In addition, the report discusses strategies to improve the potential of liquidated damages clauses being enforceable and effective.

BACKGROUND

At the Council meeting of February 24, 2015, Council directed staff to:

“BE IT FURTHER RESOLVED THAT staff report back to Council on the effectiveness of a liquidated damages clause as well as other tools available to ensure contractors meet project timelines and completion dates.”

This report satisfies this request of Council and reviews the effectiveness of liquidated damages clauses in ensuring contractors meet project timelines.

COMMENTS

Summary

A liquidated damages clause is a stipulation in a contract providing for the payment of a specific amount of money by the breaching party in the event they fail to perform or comply with the terms of the contract.¹ Generally, a contract is negotiated by parties

¹ Richard Manly, “The Benefits of Clauses that Liquidate, Stipulate, Pre Estimate or Agree Damages” (2012) 28 BCL Rev 246 at 246.

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Report No. LLS15-047**

who agree to a specific amount and terms of such a clause prior to executing the contract and in turn, decide how a breach of contract will be dealt with. For example, if a party to a contract fails to complete the project by the specified deadline, the non-breaching party may collect the amount stipulated in the liquidated damages clause. Usually, the clause stipulates a fixed amount, to be calculated on a daily or weekly rate.

It is important to note that only those liquidated damages clauses that are a “genuine pre-estimate” of damages are enforceable.² A clause that provides for an excessive amount of damages beyond the actual loss will likely be deemed a penalty and therefore unenforceable by a court, if the clause is challenged judicially. If the liquidated damages clause is unenforceable due to being too excessive, the Town will be limited to a claim for damages flowing from any loss actually suffered as a result of the contractor’s breach of contract.

The benefits of utilizing such a clause include: (a) greater contractual certainty that work will be completed on time; (b) reduced costs associated with calculating and challenging a claim for damages; and (c) the likelihood that reasonable timelines have been negotiated. In addition, utilizing a properly calculated liquidated damages clause eliminates the need to mitigate or prove the loss of the innocent party. Lastly, a liquidated damages clause may act as an incentive for a contractor to complete work on time, since not doing so will result in them paying damages to the non-breaching party.

However, unless resources are used to calculate an accurate pre-estimate of the losses, these benefits may not be realized as the clause may not be enforceable. A liquidated damages clause that provides for an amount significantly greater than the actual loss suffered is likely to be challenged by a contractor and consequently not enforced by the courts. Also, an arbitrary amount, if challenged, may be difficult to support if there is no actual justification for it and it appears to be excessive. To avoid having a liquidated damages clause struck down as being a penalty, too excessive, or unconscionable, the Town needs to have tools to accurately calculate pre-estimates of damages.

Treatment of Liquidated Damages Clauses by the Courts

Whether or not a liquidated damages clause is enforced by the courts is determined by the wording and effect of the clause. The House of Lords first set out the test for determining the enforceability of a liquidated damages clause in the United Kingdom decision of *Dunlop Pneumatic Tire*. If the clause is a “genuine pre-estimate” of the loss, it will likely be enforced. However, if the clause is punitive or provides for an amount that is extravagant and unconscionable, it will likely not be enforced.³ A penalty may be defined as “a requirement for a fixed sum to be paid upon a default or breach of a

² *Dunlop Pneumatic Tire Co v New Garage and Motor Co*, [1915] AC 79 at 86 [*Dunlop*].

³ *Ibid.*

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specified clause(s) where the amount does not bear an apparent relationship to the actual loss suffered.”⁴ If the amount is far beyond the actual loss suffered, the clause will likely be unenforceable as a penalty. Thus, under the strict *Dunlop* test, a provision that amounts to a penalty will not be enforced.

Many years later, the Supreme Court of Canada, in *Elsley Estate v JG Collins Insurance*,⁵ introduced a less stringent approach, suggesting that even if a liquidated damages clause was not a genuine pre-estimate of the loss, it may still be enforced as long as there is no oppression and the clause does not provide for an amount that is unconscionable.⁶ An analysis of jurisprudence reveals that courts now use a combination of the approaches set out in *Dunlop* and *Elsley*.

The use of the words “penalty” or “liquidated damages” is not in and of itself conclusive of what the Court will determine the clause to be. If the clause does not mention the word “penalty,” the Court may still consider whether or not the clause is a genuine pre-estimate of damages, and may still conclude that the clause is actually a penalty, despite the absence of such words.⁷ On the other hand, if the clause does include the word “penalty,” this alone does not make the clause unenforceable.⁸

The onus of establishing that a liquidated damages clause is a penalty rests with the party against whom the damages are claimed.⁹ A court will provide relief by striking down a liquidated damages clause that is a penalty and oppresses the party against whom a claim for damages is made. Where there is no oppression, the clause will likely not be struck down.

However, a penalty clause that is excessive, unconscionable or oppressive risks being struck down by the courts. In *MTK Auto West Ltd v Allen*, the British Columbia Supreme Court struck down a penalty clause as being unconscionable because the damages provided for in the clause amounted to three times the actual damages suffered and thus the clause was oppressive.¹⁰ The Court went on to say that “a court should not strike down a penalty clause as being unconscionable lightly because it is a significant intrusion on freedom of contract.”¹¹ *MTK* confirms the *Elsley* approach to not automatically strike down a penalty clause, unless it is unconscionable or oppressive.

In *Don West Construction Limited Corporation of the Village of Port Stanley*, the Court

⁴ Kevin McGuinness & Stephen Bauld, *Municipal Procurement*, 2d ed (Markham, ON: LexisNexis Canada, 2009) at 1008.

⁵ *Elsley Estate v JG Collins Insurance Agencies Ltd*, [1978] 2 SCR 916 at 937, 83 DLR (3d) 1 [*Elsley*].

⁶ Paul-Erik Veel, “Penalty Clauses in Canadian Contract Law” (2008) 66:2 UT Fac L Rev 229 at 233-240.

⁷ SM Waddams, *The Law of Contracts*, 5th ed (Aurora, ON: Canada Law Book, 2005) at 325.

⁸ John Swan, *Canadian Contract Law*, 1st ed (Markham, ON: LexisNexis Canada, 2006) at 715.

⁹ *Elsley* at 937.

¹⁰ *MTK Auto West Ltd v Allen*, 2003 BCSC 1613 at para 22 (available on CanLII) [*MTK Auto*].

¹¹ *Ibid*.

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upheld a clause providing for a penalty of \$100 per day in the event the contractor failed to complete an extension to an arena.¹² Thus, a liquidated damages clause that provides for a daily rate of damages may be enforced by the courts.

In *Exel Environmental v Ottawa-Carleton (Regional Municipality)*, the Ontario Superior Court of Justice found a liquidated damages clause providing that a waste disposal company pay the municipality \$1,500 for every route collected late, to be excessive and unconscionable.¹³ The Court went on to say that the clause amounted to a penalty and had “nothing to do with the actual damages suffered by the Region nor the pre-estimate of damages initially made by the Region.”¹⁴ Thus, contracting parties must carefully pre-estimate damages or risk having their clause be deemed unenforceable.

Recommendations for an Enforceable Liquidated Damages Clause

If the Town chooses to include a liquidated damages clause in its construction contracts, it should ensure that the following requirements are satisfied, in order to avoid judicial scrutiny:

1. The clause must be a “genuine pre-estimate of loss” in order to be enforceable, otherwise the court will not enforce it. Consequently, parties should engage in a “genuine pre-estimate” of anticipated damages and record any negotiations that occur as evidence that the amount provided for in the clause is agreed upon by both parties. In a tender scenario, generally there is very little, if any, room for actual negotiation and such clauses have to be established unilaterally by the Town. This puts even more onus on the Town to ensure that such estimates are genuine and defensible.
2. It is recommended to have a formula for calculating the amount of damages to be paid, i.e., daily rate, or different rate for given breaches.
3. Ensure that the clause provides for an amount that is not punitive or unconscionable. If the clause provides for an amount far greater than the actual loss resulting from the breach of contract, courts will likely not enforce it using either the *Dunlop* or *Elsley* approach.
4. If the project for which the parties are contracting involves sectional completion, apportion the clause into individual amounts for each section of the project.¹⁵

¹² *Don West Construction Limited Corp of the Village of Port Stanley* (1983), 2 CLR 243 at para 27, 21 ACWS (2d) 442 (Ontario County Court – Elgin County).

¹³ *2889218 Canada (Excel Environmental) v Ottawa-Carleton (Regional Municipality)*, [2001] OJ No 3360 (ONSC) at para 85-86.

¹⁴ *Ibid* at para 85.

¹⁵ Turner and Townsend, “Liquidated Damages Contract Risk Management” (March 2009) <www.turnerandtowntsend.com/Liquidated_Damages_oeN9s.pdf.file>

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5. The clause must provide that the liquidated damages run from a specific date. Otherwise, courts may not enforce the clause, since without a specific date, damages cannot be calculated.
6. Ensure the clause does not provide for a lump sum amount – this will be presumed to be a penalty by the courts.¹⁶
7. The clause should include a provision for extending the completion date in order to ensure the clause will be enforced. Otherwise, in the eyes of the courts, it would be unfair to charge liquidated damages against a breaching party without a mechanism for extension of a deadline, particularly for delay caused by events beyond the control of the party.

Benefits of Liquidated Damages Clauses

If a liquidated damages clause is valid and enforceable, it may provide the following benefits:

- Greater contractual certainty
- No duty to mitigate loss
- Reduced risk of under compensation
- Allocation of commercial risk
- No need to prove loss
- Freedom of contract generally upheld, unless penalty
- General public interest
- Assurance that contract will be performed

Greater Contractual Certainty

By pre-determining the compensatory obligations of the breaching-party, a liquidated damages clause avoids the difficulty, uncertainty, and expense of proving loss and calculating damages in court.¹⁷ Thus, liquidated damages clauses provide contracting parties with contractual certainty and promote economic efficiency by avoiding the expenses associated with disputing damages calculations in court.

Contractual certainty and risk allocation is “a central motivating factor in every commercial transaction.”¹⁸ A liquidated damages clause may encourage parties to enter into a contractual relation in circumstances where they would otherwise not have if no such clause was in place. For example, if the contract is risky and the calculation of damages is too difficult, a liquidated damages clause may provide the certainty and risk allocation that the parties need before agreeing to enter into the contract.

¹⁶ *Lord Elphinstone v Monkland Iron and Coal Co* (1886), 11 AC 332. See Swan, *supra* note 6 at 717.

¹⁷ Manly, *supra* note 1 at 250-252.

¹⁸ *Ibid* at 254.

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No Duty to Mitigate Loss

Traditionally, a non-breaching party has a duty to mitigate the losses it will suffer by taking reasonable steps. However, where a contract contains a liquidated damages clause, there is no such duty to mitigate losses.¹⁹ Breach of contract alone would be sufficient to trigger the breaching party's obligation to pay the liquidated damages.

Reduced Risk of Under Compensation

A liquidated damages clause helps a non-breaching party avoid the risk of under-compensation that may otherwise arise by the legal restrictions on damages one would have to prove if no such clause was included. These restrictions on damages include: remoteness, certainty of proof, mitigation, and intangible losses.²⁰ In situations where damages for breach of contract result in consequential, indirect or idiosyncratic losses, damages are usually difficult to calculate, or deemed to be too remote and not reasonably foreseeable. In this event, a liquidated damages clause may cover such consequential and indirect damages that otherwise would not normally be recoverable under the general rules for damages from breach of contract.²¹

Allocation of Commercial Risk

A liquidated damages clause allows a contractor to allocate and assess the risk of a potential delay or late completion of a project. At the tendering stage, a contractor is able to know in advance their liability in the event of a delay or late completion.²² A contractor can take this risk into account when calculating their tender price; however, this may increase the tender price if the genuine pre-estimate of damages is high, or where a project is complex and the difficulty of certain components is unknown.

No Need to Prove Loss

Another benefit of including a liquidated damages clause is that there is no requirement on the non-breaching party to prove actual loss, an otherwise lengthy and costly process. Additionally, a non-breaching party is entitled to claim the liquidated damages as soon as the project timeline in the contract passes, without having to have suffered actual loss at that moment in time.²³ However, the amount may not be excessive or unconscionable.

Freedom of Contract Generally Upheld, Unless Penalty

The Supreme Court of Canada in *Elsley* urges courts to "be careful not to set too stringent a standard and bear in mind that what the parties have agreed to should normally be upheld."²⁴ The Court went on to say that the power of courts to strike down

¹⁹ Manly, *supra* note 1 at 253.

²⁰ Waddams, *supra* note 7 at 327.

²¹ Manly, *supra* note 1 at 255.

²² *Ibid* at 256.

²³ Manly, *supra* note 1 at 257.

²⁴ *Elsley*, *supra* note 5.

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a penalty clause is “a blatant interference with freedom of contract and is designed for the sole purpose of providing relief against oppression for the party having to pay the stipulated sum.”²⁵ Thus, parties to a contract can rest assured that their agreed upon terms, including a liquidated damages clause, will almost always be upheld and enforced by the courts. However, where the stipulated sum is a penalty, only the damages that can be proven are recoverable, but the amount recoverable may not exceed the sum stipulated.²⁶

General Public Interest

Some scholars suggest that liquidated damages clauses are even beneficial for public interest reasons. For example, Manly purports that “[l]iquidated damages clauses are beneficial and in the public’s interest because they promote the common good, reduce the incidence of litigation and promote commercial certainty.”²⁷

Assurance that Contract will be Performed

A liquidated damages clause gives additional assurance to all parties to the contract that the contract will be performed, since not meeting certain timeframes or deadlines will force the breaching party to pay the agreed upon amount.

On the other hand, the potential breaching party or the contractor also benefits from agreeing to include a liquidated damages clause in their contract. A contractor who is in the early years of their business, without a commercial history or a previous contractual relationship with the Town, may be able to convince an otherwise hesitant Town to enter into a contract by agreeing to include a liquidated damages clause.²⁸

In addition, a party to a contract may offer to include an extra-compensatory liquidated damages clause that is of a significantly larger amount than would otherwise be agreed to, as a signal of their intention to complete the work on time and as a demonstration of their reputation.²⁹ However, caution should be exercised with an extra-compensatory clause, because if challenged, it may be deemed unenforceable for being too excessive.

Drawbacks of Liquidated Damages Clauses

If a liquidated damages clause does not meet the tests in *Dunlop* and *Elsley*, and is consequently not enforced, the parties risk the following:

- Risk of under compensation
- Cost of determining the amount of damages and settling enforceability disputes

²⁵ *Elsley*, *supra* note 5 at 937.

²⁶ *Ibid* at 938.

²⁷ Manly, *supra* note 1 at 260.

²⁸ *Ibid* at 262.

²⁹ Veel, *supra* note 6 at 251.

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Risk of Under Compensation

In the event that the actual loss suffered as a result of a breach of contract is greater than the amount provided for in a liquidated damages clause, the non-breaching party may be held to the terms of the contract and limited to only recover the agreed upon amount from the breaching party. This is because contract law does not prevent people from entering into bad bargains.³⁰

By including a liquidated damages clause in a contract, a non-breaching party assumes the risk of any excess loss over the amount stipulated in the clause.³¹ This is another reason to ensure that such clauses are in fact genuine estimates and that arbitrary or standard amounts are not utilized. The risk of under compensation may be mitigated by obtaining insurance (if available) to cover for any loss beyond the agreed amount set out in the liquidated damages clause (i.e., insurance coverage for business interruption in the event of a delay).

Costs of Determining the Amount of Damages

This report has previously stated that liquidated damages clauses reduce legal fees for both parties to a contract, by avoiding the expense associated with calculating damages and assessing breach of contract claims in court. However, significant pre-contract work must be undertaken by the hiring party (i.e., the Town) to determine a genuine pre-estimate of damages that it may suffer as a result of a delay. This work may include additional costs from an architect and the use of internal staff resources across the organization to provide justifiable calculations for the liquidated damages amount. Thus, the cost of determining the amount of a liquidated damages clause, in some circumstances, may be more expensive than calculating actual damages suffered after the loss has occurred and is easily quantifiable.

Other Tools to Ensure Contractors Meet Project Timelines

While the timely completion of a project is never guaranteed, various tools other than the inclusion of a liquidated damages clause may be utilized to help ensure that contractors meet project timelines.

Forfeiture of Deposit

If a contract stipulates that a deposit is “non-refundable,” it may be forfeited by the non-breaching party. However, the mere labelling of a payment as a deposit does not preclude the judicial scrutiny of the amount as being a penalty, excessive or unconscionable, in which case it may be challenged and found unenforceable.³² Thus, by providing for the forfeiture of a deposit in a contract, a party to a contract may be

³⁰ Veel, *supra* note 10 at 253.

³¹ Manly, *supra* note 1 at 261.

³² See *Tang v Zhang*, 2013 BCCA 52 at para 27, 223 ACWS (3d) 894.

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encouraged to complete the work on time for fear of losing the deposit.

Holdback of Payment

Similar to the forfeiture of a deposit, the holdback of payment may be exercised by the non-breaching party. This may provide an incentive to the contractor to complete the project on time. It is useful to have a provision in the contract stipulating that payment will be withheld in the event of a delay.

Project Management

Parties to a construction contract are encouraged to implement a detailed project management plan, in which both parties are actively engaged. By setting realistic goals and timelines, allocating for potential delay in setting dates and being actively engaged in project oversight, the Town may reduce the risk of delay.

Bonuses for Performance Targets

To encourage the timely completion of construction projects, bonuses may be offered as an incentive to meet project timelines. In addition, several bonuses may be made available, to be awarded to the contractor for every early successful completion of a project stage. While likely to be a successful strategy, there are financial implications of awarding such bonuses that should be considered when discussing this alternative tool.

LINK TO STRATEGIC PLAN

None.

FINANCIAL IMPLICATIONS

In order to ensure that a liquidated damages clause is upheld for being a genuine pre-estimate of damages, additional resources may have to be utilized to accurately pre-estimate damages before a contract is executed. Although an additional expense, the benefits of investing in an accurate pre-estimate of damages during initial contract formation may outweigh the drawbacks and expenses associated with proving loss, mitigating damages, and disputing damages in court, where a liquidated damages clause is not utilized.

ALTERNATIVE(S) TO THE RECOMMENDATIONS

1. Further options as Council may direct.

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CONCLUSIONS

This report has considered the effectiveness of liquidated damages clauses in ensuring that contractors meet project timelines. An analysis of jurisprudence suggests that if a carefully drafted and calculated clause is included in a contract, it will likely be enforced by the courts and provide various benefits to the parties, including: reduced costs, commercial certainty, allocation of commercial risk, and increased assurance that the project will be completed on time.

However, if the clause is seen as a penalty by the courts, provides for the payment of an amount in excess of the actual loss suffered, and/or is oppressive or unconscionable, the clause will likely be deemed unenforceable by the courts. Thus, if the Town is to benefit from including a liquidated damages clause in its construction contracts, it should carefully draft such clauses to ensure that they reflect a genuine pre-estimate of damages that are not excessive, oppressive, or unconscionable. In addition, the Town may utilize other tools to ensure that contractors meet project timelines, including the forfeiture of deposits, holdback of payment, increased project management, or performance target bonuses.

ATTACHMENTS

None.

PREVIOUS REPORTS

LLS15-044 – “Aurora Family Leisure Complex Renovations”, dated June 23, 2015

PRE-SUBMISSION REVIEW

None.

***Prepared by: Daria Vodova, Law Student – ext. 4219 and Slawomir Szlapczynski,
Associate Solicitor – Ext. 4745***



***Warren Mar
Director of Legal & Legislative Services/Town Solicitor***



TOWN OF AURORA
COUNCIL REPORT

No. IES15-045

SUBJECT: *Council motion - Pedestrian and vehicle traffic concerns in the northeast corner of Earl Stewart Drive and Pedersen Drive intersection*

FROM: *Ilmar Simanovskis, Director of Infrastructure & Environmental Services*

DATE: *August 11, 2015*

RECOMMENDATIONS

THAT Report No. IES15-045 be received for information.

PURPOSE OF THE REPORT

This report has been prepared to address Council motion of June 23, 2015 - "Pedestrian and Vehicle Traffic Concerns – Earl Stewart Drive, Pedersen Drive, St. John's Sideroad East, and Bayview Avenue" and the request to review current traffic studies in the area bounded by the four roads, and report back to Council on the results of these studies including any recommendations for additional safety measures that may be required.

BACKGROUND

Council, at its meeting of June 23, 2015, adopted the following notice of motion regarding Pedestrian and Vehicle Traffic Concerns in the area bounded by Earl Stewart Drive, Pederson Drive, St. John's Sideroad East, and Bayview Avenue:

WHEREAS at the Public Planning meeting of February 25, 2015, Report No. PL15-010 was presented to propose a zoning by-law amendment for approval of a Motor Vehicle Sales Establishment; and

WHEREAS pedestrian and vehicle traffic concerns were reported by several residential owners in the area bounded by Earl Stewart Drive, Pedersen Drive, St. John's Sideroad East, and Bayview Avenue; and

WHEREAS residents noted both vehicle and pedestrian accidents at these particular intersections

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Report No. IES15-045

*NOW THEREFORE BE IT HEREBY RESOLVED THAT staff be directed to **review current** traffic studies in the area bounded by Earl Stewart Drive, Pedersen Drive, St. John's Sideroad East, and Bayview Avenue, and to report back to Council on the results of those studies including any recommendations for additional safety measures that may be required.*

COMMENTS

Existing physical road and intersection characteristics in the area in question

Earl Stewart Drive - is a two-lane collector roadway with an urban cross-section, sidewalks on both sides and a pavement width of 11 meters. Earl Stewart Drive has an unposted 50km/h speed limit and it is under the Town of Aurora jurisdiction.

Pederson Drive - is a two-lane collector roadway with an urban cross-section and a sidewalk on the south side and a new sidewalk will be installed on the north side as part of the Treasure Hill Development. Pederson Drive has a pavement width of 11 meters, an unposted 50km/h speed limit and it is under the Town of Aurora jurisdiction.

Currently, there are no parking prohibitions on Pederson Drive or Earl Stewart Drive in the area in question. Pedersen Drive and Earl Stewart Drive is a multi-way stop controlled intersection under the Town's jurisdiction.

Bayview Avenue - is an arterial roadway under the Region of York jurisdiction and it consists of four lanes cross section and it has a posted speed limit of 60km/h. Parking is restricted on both sides of Bayview Avenue.

St. John's Sideroad - is an arterial roadway under the Region of York jurisdiction and it consists of four lanes cross section and it has a posted speed limit of 60km/h. Parking is restricted on both sides of St. John's Sideroad.

Pedersen Drive/Bayview Avenue, Earl Stewart Dive/St. John's Sideroad and Bayview Avenue/St. John's Sideroad are signalized intersections under the Region's jurisdiction.

Attached Appendix "A" shows area in question

Existing and projected traffic volumes in the area compared to traffic volumes set out by the industry standards

On Earl Stewart Drive the existing average daily traffic is in the order of 2,000 vehicles per day and it is expected to be in the order of 2,200 vehicles per day in 2020.

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On Pedersen Drive the existing average daily traffic is in the order of 2,200 vehicles per day and it is expected to be in the order of 2,500 vehicles per day in 2020.

The existing and projected traffic volumes on Earl Stewart Drive and Pedersen Drive are well below the threshold of 8,000 vehicles per day for collector roads according to the Transportation Association of Canada (TAC) guidelines. Therefore, both roads have residual capacity to accommodate additional traffic.

The intersection of Earl Stewart Drive and Pedersen Drive is a multi-way stop controlled i.e. provides protected pedestrian crossings at all legs. There has been only one (1) reported traffic collision at the intersection in the last three years.

On Bayview Avenue and St. John's Sideroad the average daily traffic is between 22,000 and 23,000 vehicles per day and it is expected to be between 24,000 and 25,000 vehicles per day by 2020. According to TAC the average daily traffic volume could range up to 30,000 vehicles per day on arterial roads.

There was an average of 3-4 reported traffic collisions/year at the St. John's Sideroad/Earl Stewart Drive, and the Bayview Avenue/Pedersen Drive intersections and an average of 10 traffic collisions/year at the Bayview Avenue/ St. John's Sideroad intersection in the last three plus years. The number of traffic collisions at these intersections is typical compared to other intersections in the Region.

For comparison purposes the average number of traffic collisions/year at Regional intersections in the Town of Aurora during the last three plus years:

- Yonge Street and Wellington Street - 30 collisions/year
- Wellington Street and Mary Street/John West Way - 17 collisions/year
- Wellington Street and Bayview Avenue – 16 collisions/year
- Wellington Street and Leslie Street – 15 collisions/year
- Wellington and Industrial Parkway – 13 collisions/year
- Yonge Street and St. John's Sideroad – 12 collisions/year

New developments have been approved in the area; as a result traffic and pedestrian volumes are expected to grow

A number of new developments have been approved in the area in question and this clearly will generate vehicle and pedestrian traffic; however, traffic impact studies were submitted with these developments as part of the application review process. Traffic impact studies generally analyse the existing and future traffic conditions. All traffic studies have not shown any major concerns and concluded that the road network

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system in the area should accommodate the additional traffic expected to be generated by the new developments and will maintain an excellent level of service for both pedestrians and vehicles.

It was recommended that a sidewalk be installed at the north side of Pedersen Drive between Bayview Avenue and Earl Stewart Drive to provide a safer mean for pedestrians to access the new commercial plaza. Other mitigating measures were recommended to enhance the active transportation initiatives in the Town i.e. installing bike racks on all approved sites.

No additional mitigating measures are warranted in this area based on traffic forecasts

Staff reviewed both the detailed traffic studies for the various site plan applications in the area and looked at the entire area collectively. Overall, there is sufficient traffic capacity for the forecast traffic volume. Also, there are sufficient existing and planned pedestrian and traffic control measures and travel paths to provide for safe conditions in line with industry guidelines.

Although traffic volumes are expected to increase incrementally in the future, the forecasts are in line with design capacities for these roads and will not create unsafe conditions related to cause overloading of the road network.

LINK TO STRATEGIC PLAN

Strategic Plan Goal of Supporting an Exceptional Quality of Life for All

Objective 1: Improve transportation, mobility and connectivity

Examine traffic patterns and identify potential solutions to improve movement and safety for motorists and pedestrians.

ALTERNATIVE(S) TO THE RECOMMENDATIONS

None

FINANCIAL IMPLICATIONS

There are no financial implications associated with the preparation of this report.

CONCLUSIONS

This report has been prepared to address the Council motion regarding Pedestrian and Vehicle Traffic Concerns in the area bounded by Earl Stewart Drive, Pederson Drive, St.

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John's Sideroad East, and Bayview Avenue:

The conclusion of this report shows that there are no traffic or pedestrian operation concerns. The area in question has residual capacity to accommodate for future traffic growth without compromising safety.

PREVIOUS REPORTS

None

ATTACHMENTS

Appendix "A" – Map showing area in question

PRE-SUBMISSION REVIEW

Executive Leadership Team Meeting of July 30, 2015

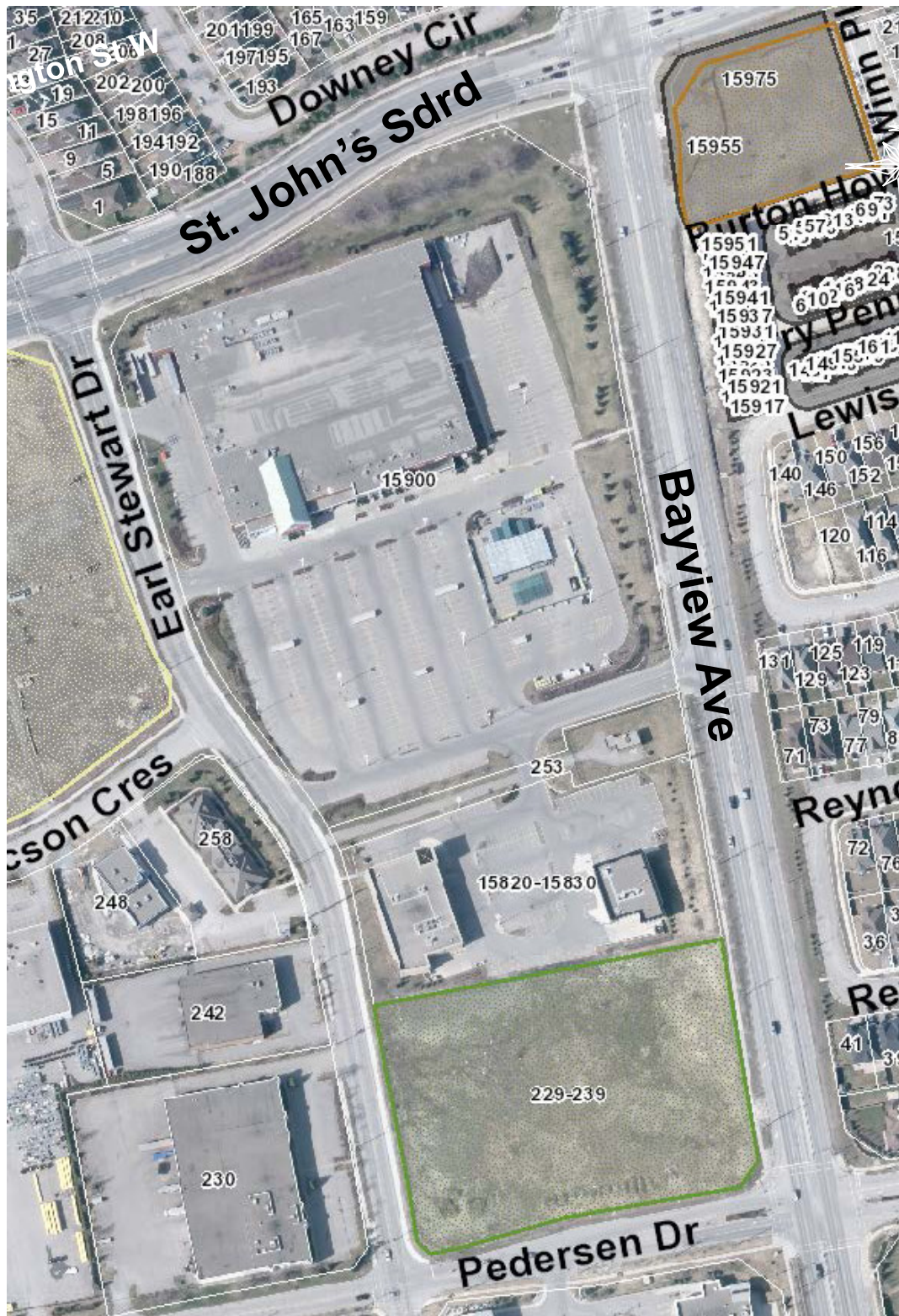
Prepared by: Jamal Massadeh, Traffic Transportation Analyst - Ext. 4374



Ilmar Simanovskis
**Director, Infrastructure &
Environmental Services**



Patrick Moyle
Interim Chief Administrative Officer



APPENDIX "A"

MAP SHOWING AREA IN QUESTION





TOWN OF AURORA
COUNCIL REPORT

No. PL15-059

SUBJECT: *Update on Development Progress in 2C Planning Area*

FROM: *Marco Ramunno, Director of Planning & Development Services*

DATE: *August 11, 2015*

RECOMMENDATIONS

THAT Report No. PL15-059 be received, and;

THAT in response to the pace of development in the 2C Secondary Plan Area, the Regional Municipality of York be requested to advance the timing of the interchange at Highway 404 and St. John's Sideroad, to be included within the Region's 10-year Roads Construction Program.

PURPOSE OF THE REPORT

The purpose of the report is to give Council an update on the status of development and progress on construction in the 2C Planning Area.

BACKGROUND

Summary of 2C development milestones, from 2010 to present

OPA 73 was adopted by Council in September 2010, and the OMB approved the plan in September 2011.

Milestone	Date
O.P. Amendment	September 2010
OMB Approval	September 2011
Zoning By-Laws (6)	Enacted June 2013
Draft Approval (6)	March/April 2013

The bulk of zoning by-laws amendment applications were considered by Council in March/April 2013, and were eventually enacted in June 2013. Draft approval for all developments except Eyelet (Treasure Hill) were approved concurrently with the zoning by-laws, in the spring of 2013.

The seven (7) plans of subdivision in the 2C Landowners Group (TACC, Metrus Brookfield, York Region Christian Seniors, Shimvest, Mattamy, and Treasure

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Report No. PL15-059

Hill/Eyelet) total 2,876 units (1,605 singles, 86 semis, 592 townhouses, 593 apartments). This total results in an equivalent population of approximately 8,100 persons.

Site Plans

Three site plans have also been approved, including:

- TACC, June 9, 2015. One stand-alone commercial building and two (2) multi-tenant commercial buildings totaling 1,317 m² of gross floor area.
- Brookfield, July 14, 2015. 182 residential apartment units and 476.4 m² of commercial gross floor area.
- York Region Christian Seniors Home, April 27, 2015. Total of 160 units.

Business Park

Emery Business Park lands east of Leslie - draft approved September 23, 2014, zoning by-law enacted November 25, 2015. The applicant is currently working towards plan registration and servicing of the lands.

COMMENTS

Development progress tracked through registrations and building permits

Registrations to date consist of two phases for Mattamy, and a first phase for each of TACC, Brookfield and first building of York Region Christian Seniors Home. These total close to 1,000 units (980 total) registered in the last year and a half, approximately one-third of the anticipated 2C yield.

Virtually all registered subdivision and site plans have had building permits issued to date (975 of 980 total). The timing by quarter can be viewed in Figure #1, and equates to an average of 162.5 units per quarter. If this rate is maintained, the remaining two-thirds of 2C will be built out within the next three years. In all likelihood, the ground-related supply will build out sooner and some of the apartment units will take longer to complete.

Development of 2C proceeding at faster pace than staff initially anticipated.

Based on Aurora's most recent history in the 2B planning area and more recent market demand across York Region, it was anticipated that growth in the 2C Planning Area would occur over a period of five to eight years. At the current pace, the bulk of 2C will be developed before this, likely the bulk within four years total (by 2017/2018). Please see the attached maps regarding building permits issued to date in 2C.

Pace of growth determined by strong demand for ground-related housing

As evidenced by long lines at sales construction trailers upon the release of each phase of development to date, demand for ground-related housing (single-detached, semi-detached and rows), has been quite strong. Once approvals and servicing are in place, it is the builder's prerogative to sell and build units at whichever pace they see fit.

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Builders usually attempt to achieve some economies of scale in construction by condensing the amount of time spent on-site. There are also benefits to new homeowners in the area, when the amount of construction time is reduced.

Planned Regional infrastructure required to meet population growth

St. John's Sideroad

- From Bayview Ave to east of Leslie Street, road widening from 2 lanes to 4 lanes
- Start the utility relocations, Fall 2015
- Road work to start spring/summer 2016, completion Spring/Summer 2017

Leslie Street

- Road widening from 2 lanes to 4 lanes.
- Newmarket portion, from Mulock Drive to Aurora Town boundary, start Fall 2015, completion Spring/Summer 2016.
- Leslie Street sanitary sewer from south of St. John's Sideroad at TACC development to Pease Court (Mattamy development) start fall 2015, completion end of 2015.
- Aurora northern boundary to St. John's Sideroad intersection (intersection included), start Spring/Summer 2016, completion Spring/Summer 2017.
- South of St. John's Sideroad intersection to State Farm Way, start Spring/Summer 2017, completion Spring/Summer 2018.

Underpasses and Bridges

Two underpasses are approved as a 50% cost share between the Town and the Regional Municipality of York that will be constructed on Leslie Street, one just north of First Commerce Drive and the other just north of St. John's Sideroad. A feasibility study for one underpass at the intersection of St. John's Sideroad and Leslie Street is also underway. These structures would be constructed in 2017 when the Region reconstructs Leslie Street.

The bridge on Hartwell Way, bridging the 2B and 2C planning areas, will be constructed by the developers and it should be underway by fall 2015.

Highway 404 Interchange at St. John's Sideroad

Although the 404 interchange is identified within York Region's Transportation Master Plan and the Town of Aurora's Master Transportation Operations Study Update, this project is not included in York Region's 10-year construction plans. Aurora's Master Plan recommends to "carry forward the new interchange at Highway 404 / St. John's Sideroad to MTO and York Region for potential earlier implementation by 2021, if feasible. The need depends on the build-out of Area 2C lands and background traffic growth. If growth does not proceed as fast, the interchange will not be needed until after 2021."

The Mayor, CAO and staff have advocated the Region for the advancement of this

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Report No. PL15-059

project over the last few years. With the expedited development rate of 2C, and the joint benefit with our municipal neighbours Newmarket to the north, this project should take on additional priority.

LINK TO STRATEGIC PLAN

The development of new communities in Aurora supports the Strategic Plan goal of: **Supporting an exceptional quality of life for all**, with a relevant supporting objective of: ***Strengthening the fabric of our community***. The development will also assist with the action of **working with the development community to ensure future growth includes housing opportunities for everyone**.

The development of new infrastructure to support growth in Aurora supports the Strategic Plan goals of: **Supporting an exceptional quality of life for all**, with relevant supporting objectives of: ***Improving transportation, mobility and connectivity***, and ***Investing in sustainable infrastructure***. New infrastructure will also assist with the actions of: **Establishing east-west linkages to facilitate movement across the community for all modes of transportation**, and, **maintaining and expanding infrastructure to support forecasted population growth through technology, waste management, roads, emergency services and accessibility**.

ALTERNATIVE(S) TO THE RECOMMENDATIONS

None.

FINANCIAL IMPLICATIONS

None directly.

PREVIOUS REPORTS

Reports related to the 2C planning applications; please see Background section of this report.

CONCLUSIONS

The development of 2C currently underway has followed a planning process that most recently began five years ago when Council adopted Official Plan Amendment 73.

At present, registrations and building permits have been issued for approximately one-third of the anticipated total in 2C. The majority of the remaining two-thirds should build out within the next three years.

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Report No. PL15-059

Planned completion of upgrades to Leslie Street, St. John's Sideroad, and pedestrian underpasses should coincide with the anticipated final phases of ground-related development in 2C (2017/2018).

One major and necessary infrastructure upgrade that will continue to lag even further behind the development of 2C at its current pace of development, is the Highway 404 interchange at St. John's Sideroad. This project is currently not within the Region's ten-year construction plan, and staff is recommending that the timing of the interchange be advanced.

ATTACHMENTS

Figure #1 – Map of 2C Building Permits – Dates of Permit Issued

Figure #2 – Map of 2C Building Permits – Construction Types for Permits Issued


PRE-SUBMISSION REVIEW

Reviewed by the Chief Administrative Officer and Director of Planning and Development.

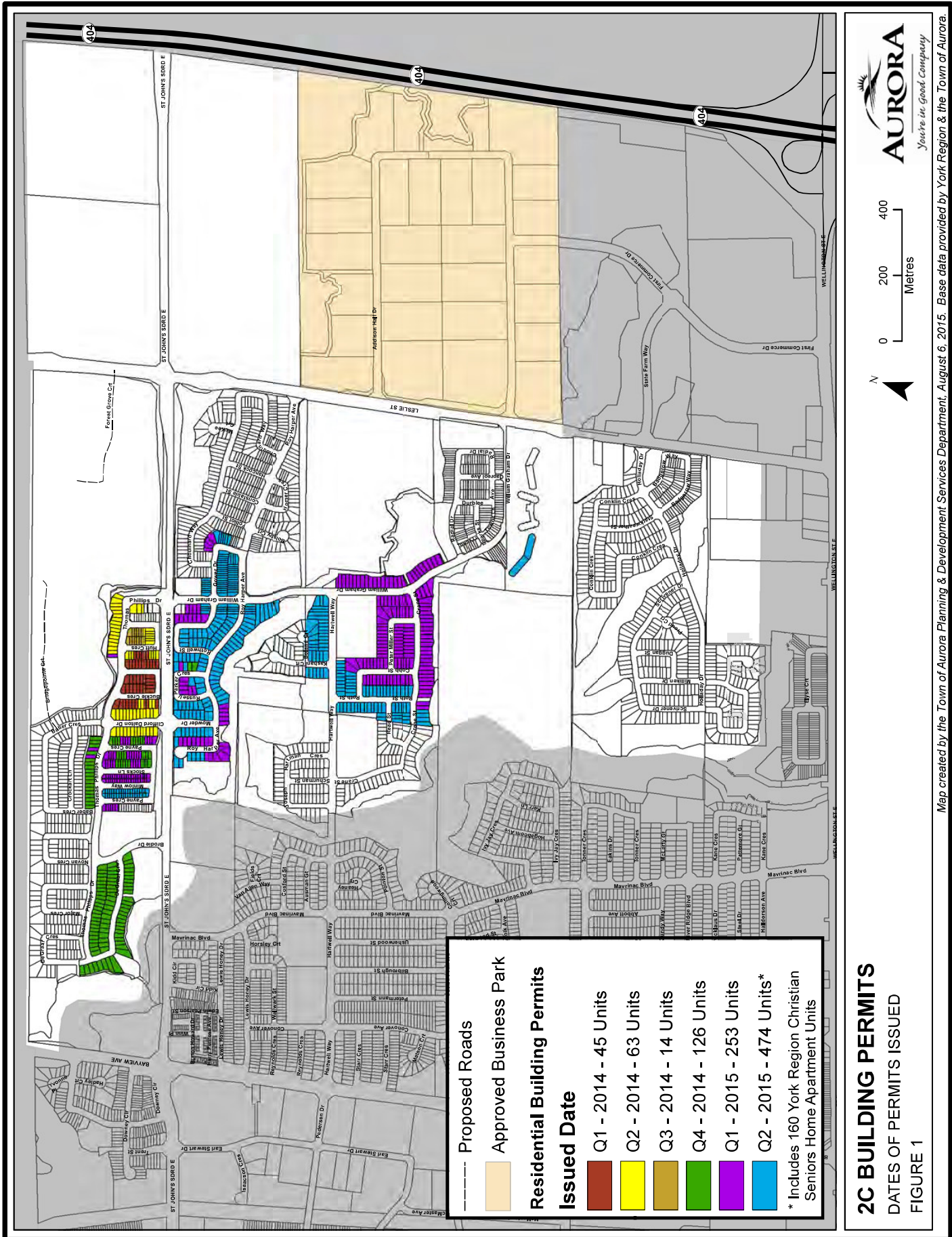
Prepared by: Michael Logue, Program Manager, Economic Planning, Ext. 4324

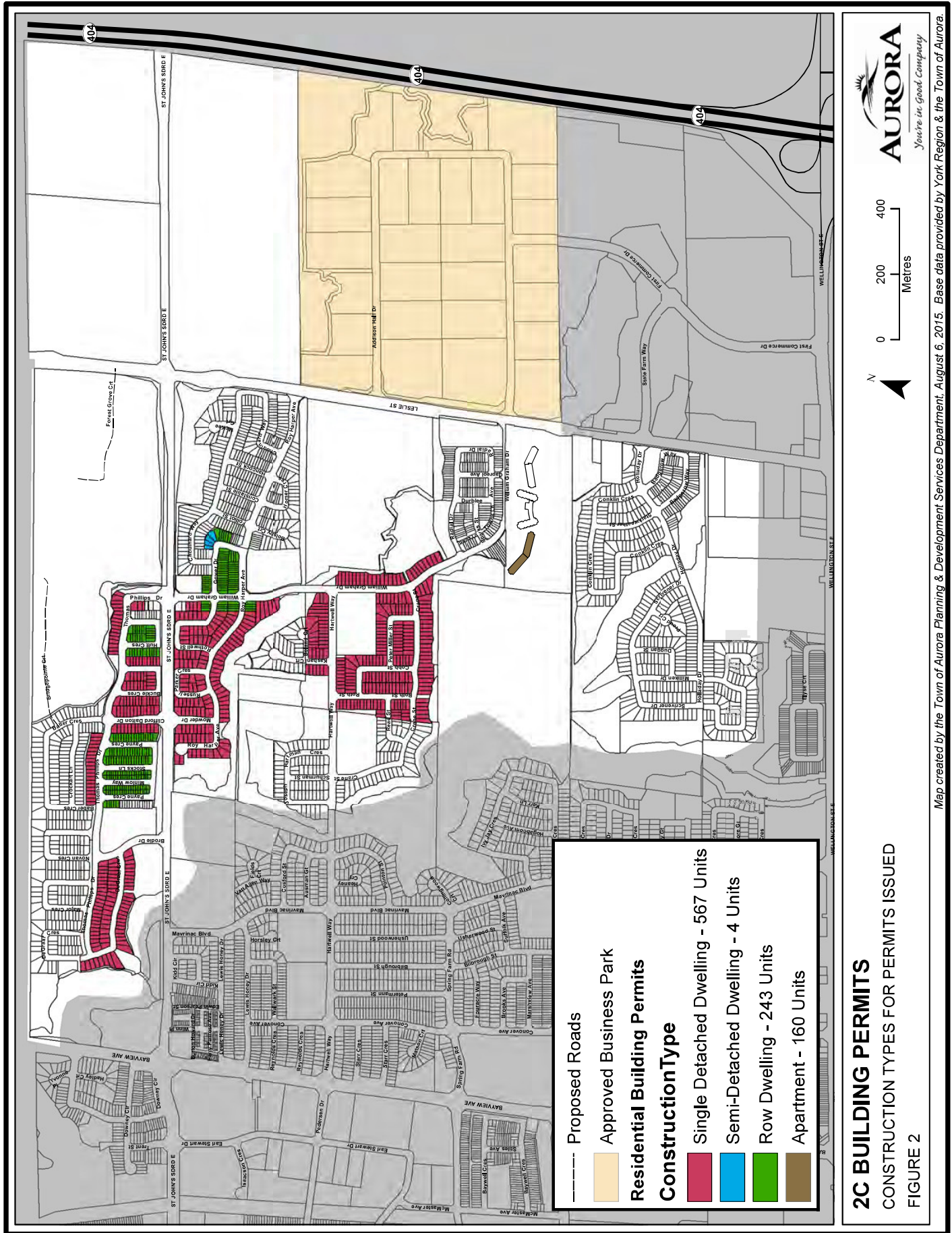


**Marco Ramunno, MCIP, RPP
Director of Planning & Development
Services**



**Patrick Moyle
Interim Chief Administrative Officer**







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Town of Aurora
Planning & Development Services

MEMORANDUM

DATE: August 25, 2015

TO: Mayor and Members of Council

FROM: Marco Ramunno, Director of Planning & Development Services

RE: **Additional Information**
August 11, 2015 Council Meeting Agenda
Item #13, Report PL15-059
Update on Development Progress in 2C Planning Area

RECOMMENDATIONS

That this Memorandum regarding Additional Information, Report No. PL15-059 be received for information.

BACKGROUND

The purpose of this Memorandum is to provide Council with additional information related to previous actions of Town Council and Town staff regarding the proposed Interchange at Highway 404 and St. John's Sideroad.

On February 10, 2015, Council passed the following motion:

WHEREAS the Region of York 2009 Transportation Master Plan has scheduled the construction of an interchange at Highway 404 and St. John's Sideroad for 2031; and

WHEREAS the Region is currently conducting an update to the Transportation Master Plan; and

WHEREAS traffic congestion is a growing concern for all Aurora residents and has an impact, socially and economically, on both residents and the community; and

WHEREAS the Region and the Town's Official Plan forecast that Aurora's population will be 68,100 residents by 2021; and

WHEREAS the Province of Ontario has mandated this local growth through the *Places to Grow Act*; and

August 25, 2015

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Additional Info – PL15-059

WHEREAS the residential development and occupation by home owners of the 2C lands is progressing quickly and will add, upon completion, approximately 3,000 residential units and increase Aurora's population by nearly 9,000 residents; and

WHEREAS many of these residents will use the closest interchange to them at Wellington Street and Highway 404 increasing the degree of traffic congestion Aurora residents are already experiencing.

NOW THEREFORE BE IT HEREBY RESOLVED THAT staff meet with the Region of York to express the need for the interchange at Highway 404 and St. John's Sideroad to be constructed prior to 2031 and indicate to them that the Town prefers to have the interchange built in the short term, before 2021; and

BE IT FURTHER RESOLVED THAT staff report back periodically to Council on the progress of the Region's Transportation Master Plan, timelines for future Regional road enhancements, and any progress on the interchange at Highway 404 and St. John's Sideroad.

Over the past several years Town staff have had numerous interactions with various parties on the proposed 404 Interchange at St. John's Sideroad. Over the past several months Town staff have had meetings with Regional and Provincial staff, regarding identification of the need for the interchange in the Town's Master Transportation Operations Study to complete the interchange before 2021. Staff also met with York Region Staff regarding their Transportation Master Plan where Town staff provided input on the priority of the 404 Interchange. In addition, staff have met with the Environmental Assessment Team for the Highway 404 Corridor wherein they were advised of the significance of the St. John's Interchange inclusion of this infrastructure in the project.

CONCLUSION

Town staff have been in discussions with Regional staff to advance the proposed 404 interchange at St. John's Sideroad over the past several years and in particular over the past several months. To date, there has been no commitment for the required funding in order to advance the project by Regional staff. As a result, it is recommended that Town Council adopt the recommendation in Report No. PL15-059, that will forward an Aurora Council resolution to Regional Council, with the formal request to take immediate action to advance the project.



TOWN OF AURORA
COUNCIL REPORT

No. PR15-023

SUBJECT: *Renaming a Section of Nokiidaa Trail*

FROM: *Allan Downey, Director of Parks and Recreation*

DATE: *August 11, 2015*

RECOMMENDATIONS

THAT Report No. PR15-023 be received; and

THAT the renaming of a section of the Nokiidaa Trail referred to in Report No. PR15-023 as the "Tim Jones Trail" be approved.

PURPOSE OF THE REPORT

To obtain Council approval to rename a section of the Nokiidaa Trail as directed at the January 20, 2015 Council meeting.

BACKGROUND

At the January 20, 2015 Council meeting Council directed staff to bring forward a report on the matter of renaming the section of Nokiidaa Trail in the Town of Aurora, the "Tim Jones Trail":

NOTICES OF MOTION/MOTIONS FOR WHICH NOTICE HAS BEEN GIVEN

(i) Notices of Motion

(b) Councillor Pirri

Re: Renaming of Aurora's Portion of the Nokiidaa Trail in Honour of Tim Jones

WHEREAS former Mayor Tim Jones is the longest serving Mayor in the Town's history; and

WHEREAS Mr. Jones served the Town of Aurora and Council for twenty-eight consecutive years; and

August 11, 2015

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Report No. PR15-023

WHEREAS the Town of Aurora Public Facilities Naming Policy allows for trails to be named after prominent individuals who have made a significant contribution to our community; and

WHEREAS Mr. Jones continues to be making significant contributions to our community through volunteerism and as an ambassador for Neighbourhood Network; and

WHEREAS Mr. Jones spent his private career working in the public sector supporting municipal parks and recreational services; and

WHEREAS the Town of Newmarket's portion of the Nokiidaa Trail is named in honour of former Mayor Tom Taylor, a longtime colleague of Mr. Jones.

NOW THEREFORE BE IT HEREBY RESOLVED THAT staff bring forward a report to Council regarding the renaming of Aurora's portion of the Nokiidaa Trail in honour of Tim Jones.

COMMENTS

Attachment 1 to this report is a map showing the extent of the Nokiidaa Trail in the Town of Aurora. The map illustrates the main section of the Nokiidaa Trail including the connections to the Tom Taylor Trail in the North at the Town of Aurora/Newmarket boundary line and in the South where the Nokiidaa Trail meets the Klaus Wehrenberg Trail.

The renaming will not have any effect on the Klaus Wehrenberg Trail as appropriate signage will be posted to demarcate the beginning and end of each of these individual sections of trail.

Staff does not recommend that any of the spine trails running off of the Nokiidaa Trail be renamed. Signage required for the Trail will be coordinated with the Parks and Trails Signage Strategy which is currently in the first phase of implementation.

Staff will coordinate the installation of signage and communicate with the appropriate individuals regarding the official opening of the new "Tim Jones Trail " and ensure that all interested parties are duly notified well in advance of the actual date. It is expected that the date will be in early October 2015.

With exception of the existing trails maps there are no significant complications or issues that need to be addressed in the renaming of this section of trail. Trails maps can be revised for the next reprinting of the Map.

August 11, 2015

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Report No. PR15-023

LINK TO STRATEGIC PLAN

Renaming a section of the Nokiidaa Trail the “Tim Jones Trail” supports the *Strategic Plan Goal of Supporting an Exceptional Quality of Life for All* by encouraging an active and healthy lifestyle.

ALTERNATIVE(S) TO THE RECOMMENDATIONS

1. Council could reduce or lengthen the section of the trail proposed for renaming. This could be more complicated and confusing to trail users with the need for additional signage and or the removal of an existing named section of trail.
2. Council could decide to defer renaming of the Trail.
3. Further options as required.

FINANCIAL IMPLICATIONS

The renaming of a section of the Trail will have no significant financial impact at this time as the Trails Signage Strategy is satisfactorily funded to include the trails name signs that are proposed for this particular section of trail.

In addition staff does not recommend the reprinting of the Parks and Trails Maps at this time. Appropriate revision of the maps will occur prior to the next printing tentatively scheduled for 2016/17.

CONCLUSIONS

Staff are seeking Council approval to rename a section of the Nokiidaa Trail the “Tim Jones Trail”.

PREVIOUS REPORTS

None.

ATTACHMENTS

Attachment #1- Trail Map

August 11, 2015

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Report No. PR15-023

PRE-SUBMISSION REVIEW

Executive Leadership Team meeting, Thursday, July 30, 2015.

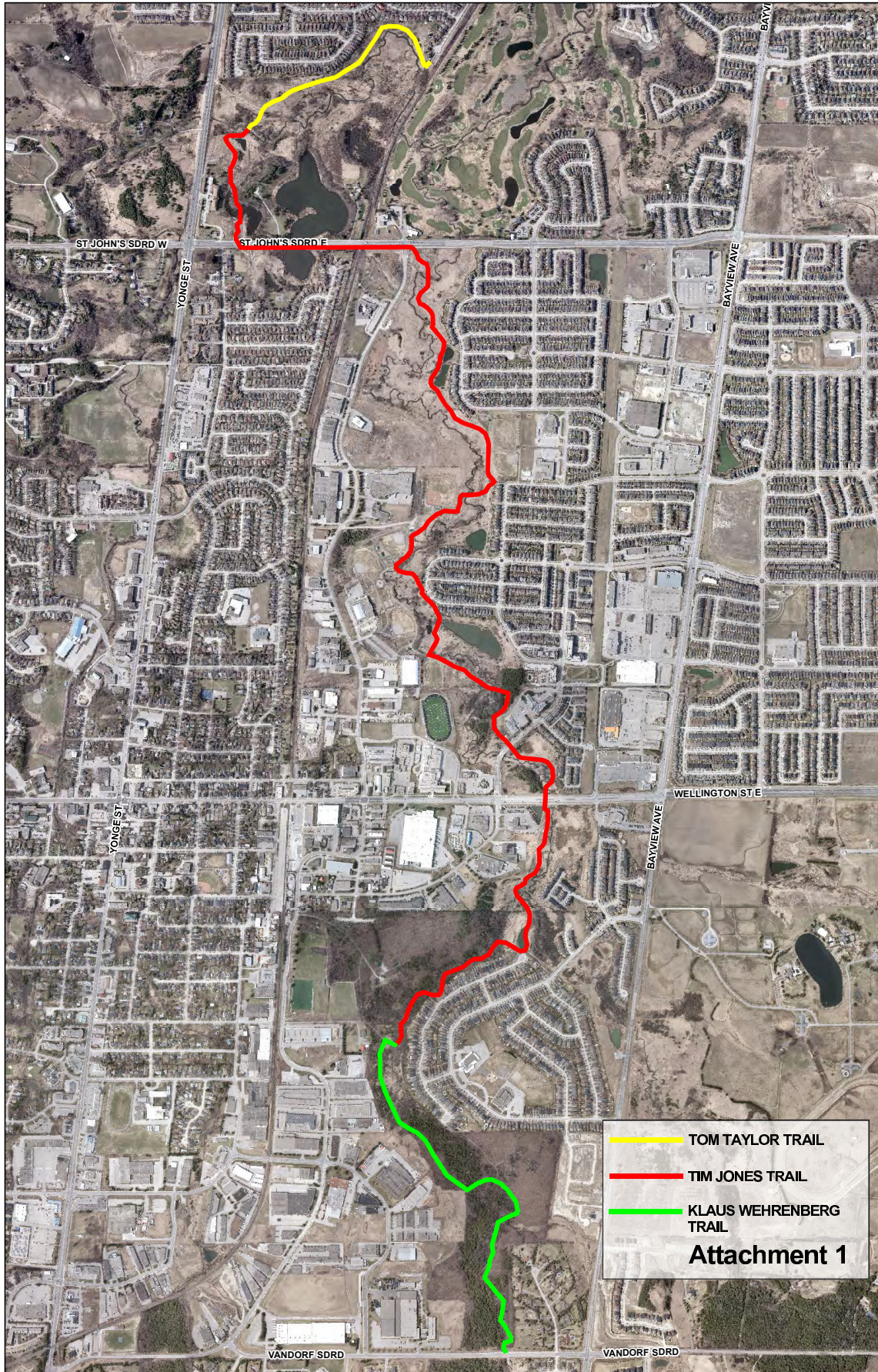
Prepared by: Jim Tree, Manager of Parks - Ext. 3222



Allan D. Downey
Director, Parks and Recreation Services



Patrick Moyle
Interim Chief Administrative Officer





**TOWN OF AURORA
COUNCIL REPORT**

No. CAO15-010

SUBJECT: *Vacancy Control Program*

FROM: *Patrick Moyle, Interim Chief Administrative Officer*

DATE: *August 25, 2015*

RECOMMENDATIONS

That Report No. CAO15-010 be received; and

THAT Staff Recruitment & Selection Policy 38 be amended to include a vacancy control policy as set out in Attachment 1 to this report.

PURPOSE OF THE REPORT

The purpose of this report is to outline additional measures to manage/control full-time permanent vacancies within the approved full-time staff complement at the Town of Aurora.

BACKGROUND

Recent discussions at Committee and Council have identified the necessity to better manage/control vacancies as they arise. Currently, Policy 38 – Staff Recruitment & Selection - cites that a “needs review” is to be conducted prior to seeking approval for replacement of a vacant position.

Although discussions do occur to determine the need for positions, they are not done with any real degree of consistency or criteria.

COMMENTS

Good Human Resources practice dictates that departures provide opportunities to make organizational change that move the department/division/organization forward and allows for the ability to determine efficiencies.

Policy 38 – Staff Recruitment & Selection sets out the requirement of a “NEEDS REVIEW,” as quoted below:

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Report No. CAO15-010

NEEDS REVIEW

When a position is vacated, the Director should review the necessity and form of the position prior to soliciting approval from the Chief Administrative Officer to commence the recruiting for a replacement incumbent.

Attachment 1 to this report is the proposed amendment to the "NEEDS REVIEW" section of Policy 38.

The "Vacancy Control" Program is based on the principle that all full time positions will not automatically be filled. The process provides objective criteria by which business decisions can be made regarding the staffing needs of the organization.

PREVIOUS REPORTS

None.

LINK TO STRATEGIC PLAN

The adoption of a Vacancy Control Program ensures that the Town of Aurora takes a strategic approach to recruitment in determining the need to fill, change or not fill full time positions.

ALTERNATIVE(S) TO THE RECOMMENDATIONS

1. Status Quo

FINANCIAL IMPLICATIONS

Savings and operational efficiencies will be achieved through closer scrutiny of vacant positions.

CONCLUSIONS

Scrutinizing of full-time vacant positions to facilitate organizational change is a best practice in Human Resources. A Vacancy Control Program for full time positions will provide a consistent approach to determining the human resource needs of the

August 25, 2015

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Report No. CAO15-010

organization.

ATTACHMENTS

Attachment #1 – Proposed amendments to Policy 38 – Staff Recruitment & Selection

PRE-SUBMISSION REVIEW

Executive Leadership Team meeting on Thursday, August 13, 2015.

Prepared by: Dan Levesque, Manager, Human Resources - Ext. 4773



***Patrick Moyle
Interim Chief Administrative Officer***

CAO15-010 – Attachment #1

Policy 38 – Staff Recruitment & Selection (excerpted)

Proposed Wording

The Town of Aurora - VACANCY CONTROL PROGRAM

The underlying principle behind the Vacancy Control Program is vacancies will not be filled automatically.

Based on this principle Directors will, in the case of all vacancies, be required to submit a report to the CAO containing an analysis of the vacant position and a recommendation whether or not the position should be filled, changed or eliminated. Directors shall consult Human Resources in the preparation of this report. This analysis shall consider the following:

- 1. Is the position mandated (i.e. Town Clerk)?***
- 2. Does the position generate revenue (i.e. Building Dept.)?***
- 3. Is the position necessary to implement the Capital Budget (i.e. oversee construction)?***
- 4. Has the position been deemed by Council to be of strategic importance?***
- 5. Is there a service level risk?***
- 6. Are there other alternatives:***
 - a. Can the duties be delivered differently?***
 - b. Can the duties be combined with other duties?***
 - c. Can the position be changed to add more value?***
 - d. Can the position be eliminated?***
 - e. Can the position be filled as is?***

For all positions below Director level, the Chief Administrative Officer will make the determination to fill, change or not fill a position based on dialogue with the Director and a review of the report as mandated above. The office of the Chief Administrative Officer (Human Resources) will report to Council with an update of the Vacancy Control Program on a bi-annual basis.

For all Director and above positions, The Chief Administrative Officer will be responsible for the report and Council will make the determination to fill, change, or not fill a vacancy.



TOWN OF AURORA
COUNCIL REPORT

No. PL15-068

SUBJECT: *Request for Street Name Approval*
Eyelet Investment Corp
1114 Wellington Street East
File: SUB-2014-03

FROM: *Marco Ramunno, Director of Planning & Development Services*

DATE: *August 25, 2015*

RECOMMENDATIONS

THAT Report No. PL15-068 be received; and

THAT the following street name BE APPROVED for the proposed road within the approved Draft Plan of Subdivision, File SUB-2014-03.

STREET "A"
STREET "B"

HAMSTER CRESCENT
MIKE BOSHEVSKI COURT

PURPOSE OF THE REPORT

To seek Council approval for a street name proposed by Eyelet Investment Corp. The names were not selected from the Town of Aurora's approved bank of street names but have been approved by York Region and Central York Fire Services.

BACKGROUND

In accordance with the Town of Aurora's Street Naming Policy, developers have the option of requesting specific street names for proposed new developments, pending obtaining clearance by the York Region Planning Department and acceptance by the Town's Fire Department, and subsequently Council's approval. The applicant has indicated their desire to proceed with the clearance of conditions of approval, working towards the preparation of the Subdivision Agreement and registration of the plan. It is appropriate that the street name be approved for the site at this time.

August 25, 2015

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Report No. PL15-068

COMMENTS

The Street A name of HAMSTER Crescent was suggested to Eyelet Investment Corp. by the winners of a silent auction prize in support of the LSRCA, which allowed the winner to have an opportunity to name a street within the 1114 Wellington Street East Subdivision. The Street B name of MIKE BOSHEVSKI Court was also proposed by Eyelet Investment Corp., to honour a close friend who has passed away. The proposed names have been approved by Central York Fire Services and by the Regional Municipality of York.

LINK TO STRATEGIC PLAN

The proposed Draft Plan of Subdivision supports the Strategic Plan goal of **Supporting and exceptional quality of life for all** through its accomplishment in satisfying requirements in the objectives of **strengthening the fabric of our community**.

ALTERNATIVE(S) TO THE RECOMMENDATIONS

1. Council has the option to not approve the proposed name, at which point the developer would have to re-submit alternate requests to the applicable agencies for review and a future report.

FINANCIAL IMPLICATIONS

None

PREVIOUS REPORTS

None

CONCLUSIONS

In keeping with Council's Resolution respecting the naming of roads, staff recommends that the names HAMSTER Crescent and MIKE BOSHEVSKI Court be considered for the road\street servicing the proposed development.

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- 3 -

Report No. PL15-068

ATTACHMENTS

Figure 1 – Location Map
Figure 2 – Draft Plan of Subdivision

PRE-SUBMISSION REVIEW

Executive Leadership Team Meeting – August 20, 2015.

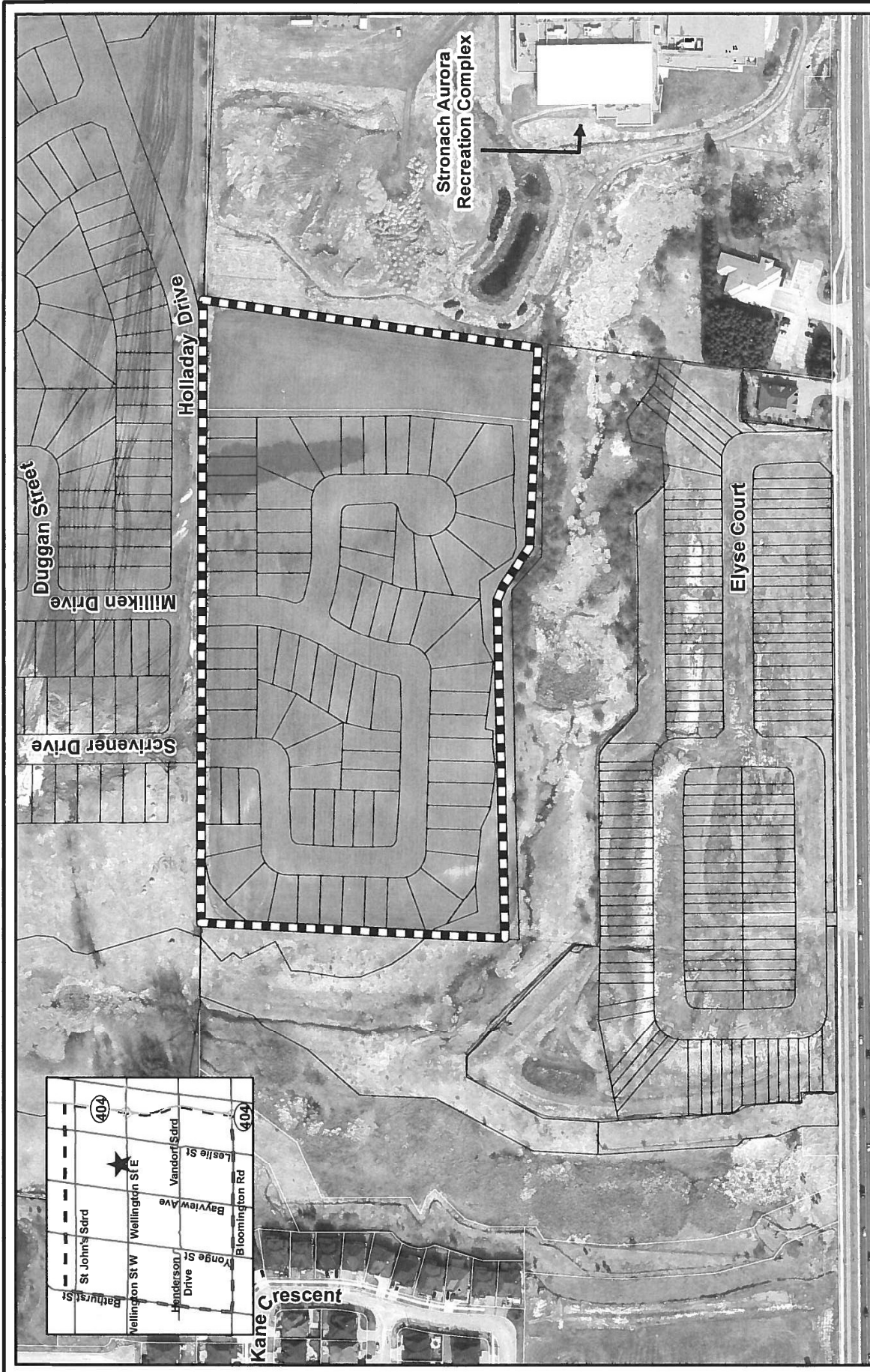
Prepared by: Mark Lemmon, GIS Analyst - Ext. 4348



Marco Ramunno, MCIP, RPP
Director of Planning & Development
Services



Patrick Moyle
Interim Chief Administrative Officer



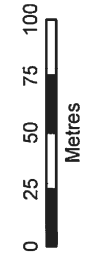
LOCATION MAP

APPLICANT: EYELET INVESTMENT CORP
 FILE: SUB-2014-03

FIGURE 1



Limits of Plan of
 Subdivision SUB-2014-03



Map created by the Town of Aurora Planning & Development Services Department, August 14, 2015. Base data provided by York Region & the Town of Aurora. Air Photos taken Spring 2014, © First Base Solutions Inc., 2014 Orthophotography.



DRAFT PLAN OF SUBDIVISION
 APPLICANT: EYELET INVESTMENT CORP
 FILE: SUB-2014-03
FIGURE 2

Map created by the Town of Aurora Planning & Development Services Department, August 14, 2015. Drawing provided by Rady-Pentek & Edward Surveying Ltd.



**TOWN OF AURORA
HERITAGE ADVISORY COMMITTEE
MEETING MINUTES**

Date: Monday, August 17, 2015

Time and Location: 7:30 p.m., Holland Room, Aurora Town Hall

Committee Members: Councillor Jeff Thom (Chair), Councillor Wendy Gaertner (Vice Chair), Barry Bridgeford, Bob McRoberts (Honorary Member), and Martin Paivio

Member(s) Absent: Kathy Constable, Carol Gravelle, John McIntyre (Honorary Member), and Stan Rycombel

Other Attendees: Marco Ramunno, Director of Planning and Development Services, Jeff Healey, Planner, and Linda Bottos, Council/Committee Secretary

The Chair called the meeting to order at 7:31 p.m.

1. DECLARATION OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

There were no declarations of pecuniary interest under the *Municipal Conflict of Interest Act*.

2. APPROVAL OF THE AGENDA

**Moved by Barry Bridgeford
Seconded by Councillor Gaertner**

THAT the agenda as circulated by Legal and Legislative Services be approved.

CARRIED

3. RECEIPT OF THE MINUTES

Heritage Advisory Committee Meeting Minutes of July 13, 2015

Moved by Bob McRoberts
Seconded by Martin Paivio

THAT the Heritage Advisory Committee meeting minutes of July 13, 2015, be received for information.

CARRIED

4. DELEGATIONS

- (a) **Peter Kakridonis, Owner of 103 Hillview Road**
Re: Item 1 – Report No. HAC15-008 – Request to Remove a Property from the Aurora Register of Properties of Cultural Heritage Value or Interest, 103 Hillview Road

Mr. Kakridonis indicated that he was present to answer any questions of the Committee. He stated that his intention was to demolish the existing home and build a new home that would be suitable for the area, and that no variances were being requested. Mr. Kakridonis noted that an arborist had been retained to prune and assess the trees on the property, and the goal was to preserve all of the existing trees.

Moved by Martin Paivio
Seconded by Barry Bridgeford

THAT the comments of the delegation be received and referred to Item 1.

CARRIED

- (b) **Gary Templeton, representing Owner of 32 Wellington Street East**
Re: Item 2 – Report No. HAC15-007 – 32 Wellington Street East, Final Disposition of the “David W. Doan House” Designated under Part IV of the Ontario Heritage Act

Mr. Templeton noted that he was present along with the owners of the subject property and the Structural Engineer, Mr. Sandro Soscia of Soscia Professional Engineers Inc. He explained that part of the demolition process involved removal of the rear of the building up to the front elevation, which has been braced and the existing footings underpinned. Mr. Templeton advised that Mr. Soscia was asked to investigate the suspected structural issues and prepare a report. He advised that serious problems were found that would jeopardize the attempted attachment of new construction with the wall, and requested that consideration be given in light of the requested financial contribution that is part of the recommendation respecting conditions.

Mr. Soscia provided a brief overview of the findings in his report (Attachment 7 to staff Report No. HAC15-007) and noted that the owners have adequately underpinned and shored the structure as required under the demolition permit. He presented photographs of the site and highlighted the two main concerns: (1) the outer skin veneer is not plum and starting to buckle, and the wall does not have adequate masonry ties to hold the veneer tightly together with the structure; and (2) the bricks of the two wythes that are load-bearing are loose and not mortared in, and are not suitable to act as load-bearing masonry.

Mr. Soscia expressed his opinion that the front façade could not be retained due to the load-bearing concerns, and stated that the owners are proposing the alternative of replicating the front façade as close as possible with new materials. He confirmed that only one structural engineer opinion has been requested. The Committee inquired about other alternatives and Mr. Soscia suggested that the load would have to be transferred off of the masonry and another structural support would need to be identified on the inside of the building.

Moved by Bob McRoberts
Seconded by Councillor Gaertner

THAT the comments of the delegation be received and referred to Item 2.

CARRIED

5. MATTERS FOR CONSIDERATION

1. HAC15-008 – Request to Remove a Property from the Aurora Register of Properties of Cultural Heritage Value or Interest, 103 Hillview Road

On a motion of Bob McRoberts seconded by Barry Bridgeford, the Committee consented to move forward Item 1 for consideration prior to Delegation (b).

Staff provided a brief overview of the subject property at 103 Hillview Road, which is listed as a non-designated property on the Aurora Register of Properties of Cultural Heritage Value or Interest, and described as a two-storey Foursquare House Period Revival, built c. 1914 by J.B. Spurr. It was noted that the Evaluation Working Group found the subject property to score in Group 3, which is considered to be moderately significant and worthy of documentation and preservation as part of a historic grouping. Staff recommended that the subject property be delisted, and that the proposed new building be subject to staff review and approval through the building permit process.

The Committee expressed its general support of the staff recommendation and suggested that, if the building was to be demolished, a photographic record, measured drawings and/or salvage of significant architectural elements, should

be retained. Staff indicated that, on a recent site visit with the owner, a fairly detailed photographic record of all elevations and the interior had been documented, and there were a few items that may be of significance for potential salvage.

Moved by Bob McRoberts
Seconded by Martin Paivio

THAT Report No. HAC15-008 be received; and

THAT the Heritage Advisory Committee recommend to Council:

THAT the property located at 103 Hillview Road be removed from the Aurora Register of Properties of Cultural Heritage Value or Interest; and

THAT the proposed elevations are subject to approval of Planning Staff;
and

THAT, if the building is to be demolished, a photographic record, measured drawings and/or salvage of significant architectural elements, be retained.

CARRIED AS AMENDED

2. HAC15-007 – 32 Wellington Street East, Final Disposition of the “David W. Doan House” Designated under Part IV of the *Ontario Heritage Act*

Staff clarified that a further report would be submitted for Council’s consideration and would include the Committee’s recommendations. The Committee was reminded that the approved site plan was for reconstruction of the building, removal of the back portion, and construction of a three-storey, 22-unit apartment building while maintaining the front façade, except for the stripping of paint from the bricks to return the original colour. Staff noted that the current request, based on the reported structural integrity of the wall, is to allow for the removal of the front façade and reconstruction of a similar façade.

The Committee inquired about the designation of a reconstructed building. Staff advised that the intent was to amend the by-law to reflect the new construction once completed and, if Council approved the removal of the front façade and reconstruction, it would still be proposed that the property remain as a Part IV designated property and the by-law would be amended accordingly.

The Committee suggested that a second structural engineer's report be obtained to include not only the condition of the structure, but also recommendations for saving the front façade of the structure. It was further suggested that the firm be experienced in the preservation and restoration of heritage buildings.

The Committee referred to the historical significance of the Doan family and its properties in Aurora, and expressed that all possibilities for preserving the front façade need to be explored before considering the alternative of reconstructing a replica of the façade.

The Committee inquired about the depth and functionality of the façade and whether adding more structural support at the cost of functionality to retain the outward appearance would be a viable option.

The Committee inquired about the timing of moving forward and staff indicated that a report back to the Committee would be provided at the next meeting.

Moved by Bob McRoberts
Seconded by Martin Paivio

THAT Report No. HAC15-007 be received; and

THAT the Heritage Advisory Committee recommend to Council:

THAT a third-party peer review, to be conducted by a firm with experience in the preservation of heritage buildings, be sought by the Town and paid for by the applicant, with the added objective of determining how to save the front façade of the David W. Doan House, as was originally intended and agreed upon.

CARRIED

6. INFORMATIONAL ITEMS

None

7. NEW BUSINESS

Staff advised that a suggestion had been raised to reschedule the Heritage Advisory Committee meeting currently scheduled on September 14, 2015, due to the observance of a religious holiday on that day.

Heritage Advisory Committee Meeting Minutes
Monday, August 17, 2015

Page 6 of 6

Moved by Bob McRoberts
Seconded by Martin Paivio

THAT the Heritage Advisory Committee meeting currently scheduled for Monday, September 14, 2015, be rescheduled to Wednesday, September 9, 2015.

CARRIED

The Committee inquired about houses that have been reconstructed and still retain their heritage designation. Staff agreed to provide the Committee with the legislation of the *Ontario Heritage Act* pertaining to this matter.

8. ADJOURNMENT

Moved by Bob McRoberts
Seconded by Martin Paivio

THAT the meeting be adjourned at 8:49 p.m.

CARRIED

COMMITTEE RECOMMENDATIONS ARE NOT BINDING ON THE TOWN UNLESS OTHERWISE ADOPTED BY COUNCIL AT A LATER MEETING.



MEMORANDUM

Councillor Tom Mrakas

Date: August 25, 2015

To: Mayor and Members of Council

From: Councillor Mrakas

Re: Reconsideration of Council's August 11, 2015 Decision Pertaining to Motion for Which Notice Has Been Given (a) 2016 Hiring Freeze

RECOMMENDED:

THAT the memorandum regarding Reconsideration of Council's August 11, 2015 Decision Pertaining to Motion for Which Notice Has been Given (a) 2016 Hiring Freeze be received; and

THAT in accordance with section 8.14 of Procedural By-law Number 5330-11, as amended, Council reconsider its decision of August 11, 2015 in respect to "Motions for Which Notice has Been Given" (a) where the following clause was determined in the negative as a result of a tie vote due to the absence of a Member of Council:

"NOW THEREFORE BE IT HEREBY RESOLVED THAT The Town of Aurora implement a one-year hiring freeze on all new positions for the 2016 fiscal year."

COMMENTS:

As a result of a tie vote due to the absence of a Member of Council, Council at its meeting of August 11, 2015 did not adopt the following clause of "Motions for Which Notice has Been Given" (a):

"NOW THEREFORE BE IT HEREBY RESOLVED THAT The Town of Aurora implement a one-year hiring freeze on all new positions for the 2016 fiscal year."

Section 8.14 of the of the Procedural By-law Number 5330-11, as amended, states in part that "...any matter that was determined in the negative as a result of a tie vote due to an absent Member of Council may be reconsidered at the next Council meeting via a motion, which has been seconded, to reconsider the matter and it is carried by a simple majority vote of the Members present."

SUBJECT: *Canada 150 Community Infrastructure Program Grant Approvals*
FROM: *Dan Elliott, Director, Corporate & Financial Services - Treasurer*
DATE: *August 25, 2015*

RECOMMENDATIONS

THAT Report No. CFS15-036 be received; and

THAT Council approve the Improvement of Aurora Community Centre project 72175 (\$425,000), Improvement to Stronach Aurora Recreation Complex project 72221(\$425,000), Rehabilitation of the Armoury project 72241 (\$275,000) and Improvements to Fleury Park Washroom Facility project 73242 (\$150,000) in advance of the regular 2016 capital budget approval to take advantage of a Canada 150 Community Infrastructure Program total grant of \$422,100; and

THAT Council authorize the Town of Aurora to enter into a contribution agreement to receive a total of \$422,100 in funding through the Canada 150 Community Infrastructure Program being administered by the Federal Economic Development Agency for Southern Ontario in support of the following list of capital projects:

- *Improvement of Aurora Community Centre: \$140,300*
- *Improvement to Stronach Aurora Recreation Complex: 140,300*
- *Rehabilitation of the Armoury: 91,500*
- *Improvement to Fleury Park Washroom Facility: 50,000*

THAT the Town share of the project budgets be funded as follows:

- *Project 72175: Transfer of \$284,700 from Facilities R&R reserve*
- *Project 72221: Transfer of \$284,700 from Facilities R&R reserve*
- *Project 72241: Transfer of \$183,500 from Facilities R&R reserve*
- *Project 72222: Transfer of \$100,000 from Parks R&R reserve*

THAT the Mayor and Clerk be authorized to execute standardized grant agreements, including any and all documents and ancillary agreements required to give effect to same, subject to the satisfaction of the Town Solicitor, for the four projects; and

THAT the Treasurer be authorized to execute on behalf of the Town any progress reports or other such submissions required as per the contribution agreement.

August 25, 2015

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Report No. CFS15-036

PURPOSE OF THE REPORT

To advise Council of the Town's applications for a special grant program which were submitted by staff, and which have been approved by the federal government for funding. The application process now requires specific resolution and commitment of Council to the projects. Accordingly, the report seeks budget funding and approval of these projects.

BACKGROUND

Economic Action Plan 2015 announced \$150 million nationally over two years for the new Canada 150 Community Infrastructure Program (CIP 150). The CIP 150 is part of a coordinated federal approach to celebrating Canada's 150th anniversary.

Under the theme 'Giving back to Canada' – shaping the future, leaving a lasting legacy and giving a gift to Canada – this program supports the rehabilitation, renovation and expansion of existing public infrastructure assets such as community centres, recreational facilities, local arenas, cultural centres and other community infrastructure. All projects must be completed by March 31, 2018.

COMMENTS

Eight applications for the CIP 150 were submitted by staff, four of which were approved for funding by the program administrators.

To make the wisest use of grant funding, all of the projects were previously listed within our Ten Year Capital Investment Plan as anticipated projects in the near term. Advancing them forward in timing by a year or so allows the town to take advantage of the program, and achieve infrastructure goals and needs that otherwise would have required full Town funding.

Under the terms of the approval, these projects may now begin to incur eligible expenses. Prior to any grant funds being paid, a standard funding contribution agreement must be executed for each grant project. These agreements are currently being prepared by the CIP 150 team, and will be reviewed by staff upon receipt. Normally, these agreements are not subject to revision by the recipient.

LINK TO STRATEGIC PLAN

The Community Infrastructure Improvement Fund Grant Report supports the Strategic Plan goal of **supporting an exceptional quality of life for all** through its accomplishment in satisfying requirements in the following key objectives within this goal statement:

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Report No. CFS15-036

Invest in sustainable infrastructure: Maintain and expand infrastructure to support forecasted population growth through technology, waste management, roads, emergency services and accessibility.

ALTERNATIVE(S) TO THE RECOMMENDATIONS

1. Council may choose to not approve any of the projects and the grant approvals.

FINANCIAL IMPLICATIONS

In preparing submissions for the short lived application window, staff identified current projects and other projects from the 2016 outlook. Each project was matched to the project criteria, and several projects were bundled into the same application for submission. Eight applications were submitted, four of which have been approved for funding by the CIP 150 program administrators. All costs of each approved project are eligible for one third grant funding, up to the maximum grant amount identified for each project.

Projects	Total Project Cost	Grant Funding	Town Funding Required	Source
Improvement of Aurora Community Centre (72175)	\$425,000	\$140,300	\$284,700	Facilities R&R Res.
Improvement to Stronach Aurora Recreation Complex (72221)	\$425,000	\$140,300	\$284,700	Facilities R&R Res.
Rehabilitation of the Armoury (72241)	\$275,000	\$ 91,500	\$183,500	Facilities R&R Res.
Improvement to Fleury Park Washroom Facility (73242)	\$150,000	\$ 50,000	\$100,000	Parks R&R Res.
Totals	\$1,275,000	\$422,100	\$852,900	

Project Details:

Improvement of Aurora Community Centre (\$425,000)

Ice Plant Condensers Replacement

Replacement of Four Boilers (Domestic Hot Water, Resurfacer Room and Heating)

LED Facility Lighting Retrofit

Exterior Painting

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Report No. CFS15-036

Improvement to Stronach Recreation Complex (\$425,000)

Pool Liner Replacement
Lighting Retrofit for Pool and Arenas
Replacement of Two Hot Water Boilers
Exterior Lighting Retrofit

Rehabilitation of the Armoury (\$275,000)

Asbestos Abatement and Soils Remediation
Electrical System Retrofit
Mechanical System Retrofit

Improvement to Fleury Park Washroom Facility (\$150,000)

Additional Windows
Complete Interior Renovation
Re-facing of Exterior
New Roof

CONCLUSIONS

The funding offered to The Town of Aurora through the CIP 150 is assigned to specific project components that must be completed within the timeframe identified. The opportunity to accept federal funding towards infrastructure renewal projects is welcome assistance to ease the burden placed upon the existing repair and replacement reserves and their limited funds.

Staff will continue to submit grant applications to ensure the Town takes full advantage of any funding opportunities as they arise.

PRE-SUBMISSION REVIEW

CAO & Treasurer

Prepared by: Laura Sheardown, Financial Analyst – Cash Flow & Investment



**Dan Elliott, CPA, CA
Director of Corporate & Financial
Services - Treasurer**



**Patrick Moyle
Interim Chief Administrative Officer**



MOTION FOR WHICH NOTICE HAS BEEN GIVEN (August 11, 2015)	Mayor Geoffrey Dawe
DATE: August 25, 2015	
TO: Members of Council	
FROM: Mayor Dawe	
RE: Special Council Meeting to Review Procedural By-law Number 5330-11	

WHEREAS Council has adopted Procedural By-law Number 5330-11, as amended, (“Procedural By-law”) to ensure fair and efficient Meetings of Council and Committees; and

WHEREAS Section 11 of the Procedural By-law states that “Council shall review this By-law within the first six (6) months of the second year of each term of Council”; and

WHEREAS Members of Council, including new Members of Council, have already had significant experience with the rules and regulations set out in the Procedural By-law; and

WHEREAS Council should ensure that the Meetings of Council and Committees continue to be fair and efficient.

NOW THEREFORE BE IT HEREBY RESOLVED THAT the requirements of Section 11 of the Procedural By-law be waived to permit Council to review the Procedural By-law in the fall of 2015; and

BE IT FURTHER RESOLVED THAT a Special Council workshop be scheduled to review staff recommendations to amend the Procedural By-law.



**MOTION FOR WHICH NOTICE HAS
BEEN GIVEN** (August 11, 2015)

Councillor Sandra Humfries

Date: August 25, 2015
To: Mayor and Members of Council
From: Councillor Humfries
Re: Town of Aurora Financial Health Status

WHEREAS the Town of Aurora budget process is very complex and focused, so that most Aurora residents do not fully understand the financial health of the Town; and

WHEREAS the Town provides an end of budget review including tax increases, capital and operational project approvals; and

WHEREAS as the majority of residents of Aurora are not heavily engaged in the budget process.

NOW THEREFORE BE IT HEREBY RESOLVED that staff be directed to prepare a Financial Health Status Report for each fiscal year after adoption of the budget to be communicated to all residents; and

BE IT FURTHER RESOLVED THAT the format of the Financial Health Status Report of the Town of Aurora should generally adhere to the following guidelines:

1. It should be clear, concise and meaningful to a majority of Aurora residents;
2. It should be a meaningful communication tool based on best practices in the sector;
3. It should avoiding the use of accounting terminology and reporting formats (e.g., balance sheets);
4. It should generally provide information on the following topics:
 - (a) the amount of cash the Town has in the bank;
 - (b) the value of the Town's investments and the rate of return/performance of those investments;
 - (c) the value of the Town's assets;
 - (d) the status of the Town's reserves, including a simplified explanation on the policies guiding the growth and use of the Town's reserves;
 - (e) where the Town spends its money;
 - (f) expectations on the future financial health of the Town; and

BE IT FURTHER RESOLVED THAT staff be directed to present a draft of the format of the Financial Health Status Report at a future General Committee meeting for consideration by Council prior to the adoption of the 2016 Budget.



Town of Aurora
Office of the Mayor

MEMORANDUM

DATE: July 14, 2015
TO: Members of Council
FROM: Mayor Geoffrey Dawe
RE: York Regional Council Highlights ~ June 25, 2015 ~

RECOMMENDATION

THAT Council:

- Receive the correspondence for information
- Endorse the recommendations
- Provide direction

Council Highlights

For Immediate Release

The Regional Municipality of York | york.ca



Thursday, June 25, 2015

York Regional Council – June 25, 2015

Belinda's Place receives \$30,000 fundraising boost

Town of Newmarket Mayor Tony Van Bynen presented York Region Chairman and CEO Wayne Emmerson with a cheque for \$30,000 from the Belinda's Place Foundation's *Make Belinda's A Home* campaign.

York Regional Council acknowledged Belinda's Place Foundation Chair Deborah Kelly for her leadership and work with Belinda's Place. The campaign launched at Upper Canada Mall last fall to generate funds in support of Belinda's Place, York Region's first emergency housing facility for homeless women. The donations are intended to pay for supplies and furnishings to help the facility feel more like home.

Completion of Belinda's Place is expected this fall. The building will be owned by the Region's social housing provider Housing York Inc. with daily operations and maintenance managed by The Salvation Army.



From L to R – Town of Aurora Mayor Geoff Dawe, Town of East Gwillimbury Mayor Virginia Hackson, York Region Chairman and CEO Wayne Emmerson, Belinda's Place Foundation Chair Deborah Kelly, Town of Newmarket Mayor Tony Van Bynen and Town of Newmarket Regional Councillor John Taylor

Franco-Ontarian Day recognized in York Region

York Regional Council will recognize September 25, 2015 as Franco-Ontario Day in support of the Francophone community and their contribution to the cultural, historical, social and economic life within York Region.

Summer edition of *York Works* newsletter highlights Regional programs

York Regional Council received the 2015 summer edition of the *York Works* newsletter.

Highlights of the [summer newsletter](#) include:

- Markham Centre will be home to new York University campus
- 9060 Jane Street offers new convenient access to community and health services
- Protecting York Region's drinking water at the source

York Works is being delivered to more than 360,000 homes and businesses across York Region three times in 2015. The newsletter is available online at york.ca/yorkworks

Residents can provide feedback on *York Works* at york.ca/yorkworkssurvey

York Region has also introduced a biweekly e-newsletter called #YRMatters. The e-newsletter will deliver timely news about what is happening in York Region. To subscribe, please email yrmatters@york.ca

Pledge to Ignore campaign asks York Region residents to focus on the road

York Regional Council today recognized the *Pledge to Ignore* campaign in partnership with York Regional Police launched on Monday, June 22, 2015.

The campaign urges York Region residents to pledge to themselves and loved ones to ignore their cell phones and not be distracted when driving or walking near traffic.

Distracted driving is the cause for 15 per cent of all at-fault collisions on Regional Roads. The Province of Ontario's *Making Ontario's Roads Safer Act* increased fines for distracted driving from the current range of \$60 to \$500 to a range of \$300 to \$1,000, assigning three demerit points upon conviction and escalating sanctions on convictions for new drivers.

Make your *Pledge to Ignore*, at york.ca/pledgetoignore

The York Regional Forest receives Forest Stewardship Council recertification from the Rainforest Alliance

York Regional Council today received a report outlining the York Regional Forest's recertification by the Forest Stewardship Council. Certification demonstrates the York Regional Forest is managed in an appropriate and sustainable manner, helping to ensure these lands are preserved for current and future generations.

Certification recognizes York Region for:

- Protecting forests and wildlife
- Protecting Aboriginal Peoples' rights
- Protecting community and workers' rights
- Ensuring transparency, accountability and independent verification

Forest Stewardship Council certification specifies an organization must manage its forests to meet social, economic, ecological, cultural and spiritual needs of present and future generations. Ten principles, 56 criteria and additional rules, policies and standards must be met to achieve certification. All certificates are valid for five years and undergo an annual audit to ensure continued compliance.

**York Regional Council names members to new advisory task force to support
York Region Broadband Strategy**

York Regional Council today endorsed the members and the terms of reference for an advisory task force to guide and support the York Region Broadband Strategy.

The strategy aims to improve access to broadband Internet connectivity for residents, businesses and institutions throughout York Region. The strategy outlines a range of initiatives to achieve this, including:

- Working with area municipalities to develop the tools and agreements to attract broadband infrastructure investments
- Working with municipalities, universities, schools and hospitals to improve research and education capabilities
- Developing partnerships to develop broadband access for residents, businesses and institutions

The following members of Regional Council were appointed to the task force:

- Town of Newmarket Mayor Tony Van Bynen
- Town of Aurora Mayor Geoff Dawe
- City of Markham Mayor Frank Scarpitti
- City of Markham Regional Councillor Jim Jones
- Town of Georgina Mayor Margaret Quirk
- Town of Whitchurch-Stouffville Mayor Justin Altmann
- Township of King Mayor Steve Pellegrini
- Town of East Gwillimbury Mayor Virginia Hackson

These members will lead the roll-out of the Broadband Strategy, engage stakeholders and provide policy input and development.

Projects to support growth, reduce congestion and protect the environment chosen for funding

The Regional Municipality of York will submit two projects to the federal government's New Building Canada Plan, a \$53.5 billion infrastructure funding program.

The infrastructure projects are critical to support growth, reduce congestion and protect the environment. They include:

- Upper York Sewage Solutions, which includes a progressive treatment plant in the Town of East Gwillimbury
- Transit Optimization Program, which includes Viva and conventional bus replacement
- Increasing local transit and transit infrastructure to accommodate the anticipated increase in passengers resulting from Regional Express Rail improvements

The Toronto-York subway extension received \$697 million in federal funding in the previous Building Canada Plan, which ended in 2014. In addition, York Region received \$60 million in federal and provincial funding for upgrades to the Duffin Creek Plant. For more information, please see [Federal and Provincial Capital Funding Opportunities](#) on [York.ca](#)

Planning for York Region seniors means planning for all

One in five residents will be 65 years of age or older by 2031, making seniors the fastest growing age demographic in York Region. York Regional Council has appointed a new Seniors Strategy Advisory Task Force to address the changing needs of this growing segment of the community.

A rapidly aging population will impact many program areas, including long-term care and paramedic services, community planning, public health and transportation. York Region residents are living longer, with local seniors' life expectancy ranking slightly higher than others in the province and across the country. This means seniors will be using services for a longer time period.

The seniors strategy is a critical tool in determining how York Region will continue to manage and deliver services that meet resident needs at all ages. Due to the relative high net worth of boomers and seniors, the strategy will explore new ways of providing and subsidizing services to make the best use of limited resources.

The Seniors Strategy Advisory Task Force is comprised of Regional Councillors appointed by York Regional Council, York Regional Police and Regional staff from key program areas. Regional Councillors include:

- Mario Ferri, City of Vaughan
- Nirmala Armstrong, City of Markham
- Virginia Hackson, Mayor, Town of East Gwillimbury
- Brenda Hogg, Town of Richmond Hill
- Gino Rosati, City of Vaughan
- Danny Wheeler, Town of Georgina
- Jack Heath, City of Markham

The task force will begin in September 2015, with the completed strategy returning for Regional Council approval in fall 2016.

To learn more about the ongoing project, read the report or visit www.york.ca

York Region standardizes measuring, monitoring and reporting of new affordable housing

York Regional Council today approved the [Affordable Housing Measuring and Monitoring Guidelines](#), the Region's first standardized approach to securing, monitoring and reporting on new affordable units. The guidelines will enable municipalities to respond more accurately to evidence-based housing needs across The Regional Municipality of York.

Although Region-wide affordable housing targets as outlined in the [Regional Official Plan](#) are being achieved, affordability issues remain. Across York Region, the upper limit of home prices considered "affordable" ranges between \$336,830 and \$443,874. In 2014, 31 per cent of new units were sold below the affordable thresholds. The upper limit of affordable rent was \$1,270 per month for a one-bedroom apartment.

The York Region *Regional Official Plan 2010* requires 35 per cent of new housing in centres and key development areas be affordable and 25 per cent of new housing outside of those areas be affordable.

Tourism operators bracing for a busy summer

York Region has two of several locations spread out across the Greater Toronto and Hamilton Area that will host individual events for the 2015 Toronto Pan American/Parapan American Games. The Atos Markham Pan Am / Parapan Am Centre in the City of Markham will host badminton, table tennis and water polo. Angus Glen Golf Club in Markham will host the first-ever Pan Am Games golf tournament.

Games organizers expect more than 7,000 athletes, coaches and delegates from 41 countries and 250,000 tourists to attend.

York Region Arts Council will provide visitors with the information needed to get around and find fun things to do, primarily through the arts, culture and tourism website, YorkScene.com

Watch for the new Festival Guide, produced by the Arts Council and the City of Markham. It highlights Markham Global Fest and a mix of tourist-friendly festivals and experiences for visitors and residents to explore and enjoy.

York Region saves natural gas costs through bulk purchasing

York Regional Council today approved continuing an agreement of participation in the Association of Municipalities of Ontario Natural Gas Buying Group.

Through collective buying power, York Region is able to secure more competitive pricing while negotiated fixed prices allow for accurate multi-year budgeting.

In 2014, natural gas costs accounted for three per cent of York Region's energy costs. Consumption of natural gas has increased approximately eight per cent per year since 2006 as Regional facilities replace electric heating with less costly natural gas.

York Region hosts second Internationally Educated Professionals Gateway Conference

York Region will host its second Internationally Educated Professional Conference on Monday, November 9 in the Town of Richmond Hill. *The Gateway 2015* conference connects internationally educated professionals, entrepreneurs and employers to exchange ideas and learn from one another.

The Gateway will offer workshops, panel discussions and networking opportunities focused on Canadian work culture, credentials and accreditation, entrepreneurial opportunities, networking and the local economy.

The conference is an action under the York Region Immigration Settlement Strategy. Details and registration for *The Gateway* will be advertised this summer and available at YorkWelcome.ca/TheGateway

York Region paramedics pilot mobile computer dispatching consoles

York Region Emergency Services paramedics will pilot the use of mobile computer dispatching consoles in paramedic vehicles beginning late 2015.

The pilot aims to shorten notification time of paramedics to minimize dispatching errors, as well as provide vehicle routing through direct connection between dispatch centre Computer Aided Dispatch and in-vehicle computers.

The Ministry of Health and Long-Term-Care is responsible for dispatching paramedic services in Ontario. York Region will continue to work with the ministry on the pilot project as well as participate in the Provincial/Municipal Land Ambulance Dispatch Working Group to identify additional technology and business process improvements.

York Region reports significant progress on 2011 to 2015 Strategic Plan

York Regional Council received an update on the significant progress made on its final 2011 to 2015 Strategic Plan progress report which shows more than 90 per cent of the key performance measures are progressing positively.

The [progress report](#) summarizes accomplishments and progress toward York Regional Council's goals and priorities.

Some of the year-four highlights include:

- Approved \$18 million additional investment in transit to keep people moving
- Approved York Region's 10-year Housing Plan Housing Solutions: A Place for Everyone
- Support of a York University Markham Centre Campus in York Region
- Commenced construction of Richmond Hill's Housing and Community Hub
- Implemented the Regional Fiscal Strategy to reduce projected debt levels while increasing reserves
- Creation of *Access York*, a corporate contact centre and service counter to access Regional services

York Region's [2015 to 2019 Strategic Plan - From Vision to Results](#) was released in February 2015 and builds on the success of the 2011 to 2015 plan. It outlines four strategic priority areas of focus to meet the community's changing needs.

High and middle income residents hold majority in York Region, but low income groups growing

York Region has released a three-part series highlighting income trends and income distribution among York Region residents. The data helps raise awareness of varying and changing income levels within the community and supports planning of programs and services for residents.

Findings show the number of residents living with low income grew by almost 61 per cent, faster than population growth from 2000 to 2012. Although the distribution of household income is changing, data shows high and middle income groups still make up the largest number of households in York Region.

Additional findings showed:

- Income for high income groups grew more than middle and lower groups with most of this increase taking place between 1997 and the early 2000s
- York Region has generally avoided high levels of concentrated low income, but low income rates vary between communities
- York Region can expect to see a greater mix of income levels in York Region during continued growth

For more information, please [read the report](#).

Traffic and pedestrian signal policy revised to meet York Region's growing needs

York Regional Council approved a revised policy to traffic and pedestrian signals required to balance the movements of vehicles, cyclists and pedestrians on major roads and provide efficient and safe access to local communities. The revised policy outlines when it is appropriate to install traffic or pedestrian signals.

The policy emphasizes the importance of meeting the needs of all intersection users. It will evaluate the need for pedestrian signals on an ongoing basis and determine when a traffic or pedestrian signal would be beneficial.

Currently, there are 800 intersections on Regional roads controlled by traffic signals. This [policy revision](#) will respond to the needs of our residents and continue to promote safety on York Region roads.

Collision rates reach 10-year low on York Region roads

York Regional Council today received the [2015 Traffic Safety Status Report](#), which documents road safety trends. The report reflects motor vehicle collision data on Regional roads collected and reviewed by The Regional Municipality of York in partnership with York Regional Police.

Highlights in the [Traffic Safety Status Report](#) include:

- Collision rates in 2014 reached a 10-year low
- 70 per cent of all collisions were a direct cause of someone's improper driving; 36 per cent were due to acts of aggressive driving
- Collisions most frequently occur on Fridays from the months of October to January, and during the evening rush hour
- The number of collisions is closely related to traffic volumes; as volumes increase, so do collisions
- 44 per cent of all collisions were rear-end collisions
- Most collisions, for all modes of travel, occur at signalized intersections
- 91 per cent of pedestrian-involved collisions resulted in injury
- 70 per cent of all collisions occurred during dry road surface conditions
- Since implementation of red light cameras in 2013, the number of right angle collisions has reduced by 48 per cent at red light camera locations

While a number of factors contribute to the decrease in collisions, safety programs play an important role. Programs York Region has put in place include revising speed limits on Regional roads, installing red light cameras at 20 intersections and implementing safety campaigns to enhance awareness for issues affecting pedestrian safety.

YRT on-board cameras upgraded to ensure reliability and security of services and residents

The Regional Municipality of York will be outfitting 426 YRT/Viva buses with SEON Design Inc. next generation on-board security camera systems. These cameras provide a number of benefits, including:

- Operator and customer security – providing an account of any incident or accident, potentially supplying evidence for police investigations
- Compatibility with current on-board camera system
- Special features such as replay, slow speed and isolated camera views

The on-board security camera system is another way YRT/Viva will continue to provide York Region residents, operators and enforcement staff with a safe and secure transportation service.

Hostel Program Database upgrades assist homelessness community programs

York Regional Council approved a \$50,000 contract with Mission Systems Development Corporation to upgrade the Hostel Programs Database used to deliver homelessness assistance to York Region residents. An additional \$30,000 was approved for annual maintenance costs over a five-year period.

York Region's Homelessness Community Programs Unit provides homelessness prevention and housing stability programs for individuals and families. Upgrades to the database ensure staff can continue to provide client case management, manage billing and payments and collect program statistics.

Revisions to election sign bylaw will increase public safety

York Regional Council today amended the Region's [sign bylaw](#) as it relates to municipal, provincial and federal election signs. The revisions will help ensure signs do not reduce visibility at intersections, interfere with transit stops, sidewalks or utilities during elections.

Amendments to the bylaw include:

- A non-refundable election sign permit fee of \$250 will be applied per area municipality where candidates would like to install signs
- Any signs installed contrary to the bylaw will be collected by York Region and returned to candidates following election day
- No more than two election signs will be permitted for each candidate per intersection, with a maximum of one sign per intersection corner
- Signs will be prohibited at [designated intersections](#) where there is limited space
- Election signs will be permitted only from 10 a.m. on the 28th day before election day and ending 72 hours following the close of polls; for this fall's federal election, signs are permitted beginning 10 a.m. on Monday, September 21, 2015

The revisions are a first step towards aligning election sign bylaws between York Region and the nine area municipalities.

York Region approves \$1.9 million contract for setup and operation of Richmond Hill Community Hub

York Regional Council approved an agreement between York Region and 360°kids Support Services for set up and operation of The Richmond Hill Housing and Community Hub from September 1, 2015 to December 31, 2016.

The agreement provides \$1.9 million in funding and option for four one-year renewals. Preparations to open the new building begin this fall, including development of programs, services, policies and partnerships. Services will be available to residents upon building completion next spring.

Approximately 1,000 youth are assisted by 360°kids each year. At The Richmond Hill Housing and Community Hub, youth in crisis will be provided with a safe place to stay, as well as life skills coaching.

The Richmond Hill Housing and Community Hub is a nine-storey, 202-unit apartment building owned by Housing York Inc. It will provide a youth drop-in centre as well as 14 emergency beds and 11 transitional beds for youth.

Blue box recycling rules getting overhaul at provincial level

York Regional Council today endorsed a "[Made in Ontario](#)" solution to address the costs of recycling blue box materials. Ontario's *Waste Diversion Act, 2002*, the legislation governing waste management is under review. York Regional Council supports a modified Association of Municipalities Ontario's position that blue box funding be the responsibility of the manufacturer, with municipalities maintaining control of the overall program to ensure service to residents remains consistently high.

The proposed 'Made-in-Ontario' approach will respect the current waste management successes and address areas where change is needed. With manufacturers funding full cost of recycling, there would be stronger efforts made towards reduction and reuse of goods.

York Region makes progress on 10-Year Housing Plan

York Region is making progress under all four goals of the 10-Year Housing Plan '*Housing Solutions: A place for everyone*'. The [first progress report](#) since approval of the plan in 2014 was released this month highlighting achievements to date.

The four goals of the 10-Year Housing Plan are to increase the rental housing supply, sustain the existing rental housing supply, support home ownership affordability and strengthen the homelessness and housing stability system. All goals focus on creating complete communities where people can live, work, play and learn, and have access to a mix of housing options.

Progress highlights include:

- Opening of Lakeside Residences in the Town of Georgina in June 2014, offering 97 bachelor, one and two-bedroom apartments under Housing York Inc.
- Finding the capacity and condition of housing assets are in a good state through the 2014 York Region Community and Health Services State of Infrastructure Report
- Providing annual funding through The Home Repair Program to provide home repair and modification financial assistance to low-income York Region homeowners
- Construction and development progress on Belinda's Place, York Region's first emergency shelter for homeless women, and The Richmond Hill Housing and Community Hub, offering 202 new affordable rental apartments, as well as youth services and housing

York Regional Council will receive an ongoing annual update highlighting progress and achievements.

Next regular meeting of York Regional Council

York Regional Council will meet on Thursday, September 24, 2015 at 9:30 a.m. in the York Region Administrative Centre Council Chambers, located at 17250 Yonge Street in the Town of Newmarket.

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Compiled by: Masrine Guthrie-Peart, Corporate Communications, The Regional Municipality of York
1-877-464-9675, ext. 77272 Cell: 905-251-6416 masrine.guthrie-peart@york.ca

THE CORPORATION OF THE TOWN OF AURORA

By-law Number 5758-15

**BEING A BY-LAW to Confirm Actions by Council
Resulting From Council Meeting on August 25,
2015**

**THE COUNCIL OF THE CORPORATION OF THE TOWN OF AURORA HEREBY
ENACTS AS FOLLOWS:**

1. THAT the actions by Council at its Council meeting held on August 25, 2015 in respect of each motion, resolution and other action passed and taken by the Council at the said meeting is, except where prior approval of the Ontario Municipal Board is required, hereby adopted ratified and confirmed.
2. THAT the Mayor and the proper officers of the Town are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required and to execute all documents as may be necessary in that behalf and the Clerk is hereby authorized and directed to affix the corporate seal to all such documents.

READ A FIRST AND SECOND TIME THIS 25TH DAY OF AUGUST, 2015.

**READ A THIRD TIME AND FINALLY PASSED THIS 25TH DAY OF AUGUST,
2015.**

GEOFFREY DAWE, MAYOR

PATTY THOMA, DEPUTY CLERK